Lucknow University

Dr. Râdhâ Kumud Mukerjee

Endowment Lectures No. 4. 1949-50-51-52

on

Teachings of Dharmaśâstra

By

J. R. GHARPURE

Price Rs. 6-0-0

1958

Published by
THE LUCKNOW UNIVERSITY
1956

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204

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Teachings of Dharmaśâstra

Delivered By

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क्रमसंख्या 1958
प्राप्ति तिथि 22.10.64
State Museum, Library, Lko.

Published by
THE LUCKNOW UNIVERSITY
1956

Printed by Shri K. G. Sharangpani at the Aryabhushan Press,
915/1 Shivaji Nagar, Poona 4, and
Published by Shri K. D. Tewari, M.A., LL.B.,
The Registrar, University of Lucknow, Lucknow.

FOREWORD

For various reasons, these lectures which were delivered as long ago as October 1949, are seeing the light of day only now. But this delay in publishing them has not in any way diminished their value. We have here a broad survey of the whole Dharmaśâstra literature and its contents.

After the masterly work of MM. Dr. P. V. Kane in 5 volumes on the "History of the Dharmaśâstra" in which both the literature proper and the teachings of Dharmaśâstra have been dealt with in great detail, the publication of a mere course of three lectures like the present ones may seem unnecessary. But a publication is valuable not only for its objective contents, but also for the personality of the author which is reflected in it. Sri J. R. Gharpure's personality has been moulded, among others, by two strong influences :—

(1) that of the old Sanskrit tradition in which, like so many other scholars from Maharashtra, he was steeped

(2) that of Modern Law in all its forms a deep knowledge of which ultimately resulted in his becoming Principal of the Law College, Poona and Dean, Faculty of Law, Poona University.

The imprint of these two aspects of his personality can be seen in these lectures.

These lectures are both historical and expository in character. After defining Dharma and comparing it with such concepts as Law and Morality, the author gives a brief history of the sources of Dharma, pointing out how there was an evolution from the original idea of śruti being the supreme source of Dharma to that of śruti and smṛti being considered equally authoritative and finally to that sadâcâra being extremely important in deciding what is Dharma. He has also something to say on the rôle of the Courts established by the British in India in the evolution of Hindu Law.

On the expository side, the central theme of these lectures is that the whole of Hindu Dharma centers round three sets of four things :—

(1) the four Varṇas
(2) the four Âśramas
(3) the four Puruṣârthas.

The first set relates to the basis of Hindu Social Organisation, the second outlines the course of development of the individual and the third represents the values which Hindu Culture, as a whole, stands for, the goals which the individual, the society and the State should strive for. In the course of his attempt to explain these three sets of four things, the author refers to the main social, legal and political institutions which were developed for the realisation of these values and the attainment of these goals. Not the least important part of these lectures are the passages where the author, from his deep knowledge of the ancient and modern systems of Western Law, points out parallels and differences between the Hindu and the other systems of Law. The lectures conclude by drawing attention to three important features of Indian Culture : its continuity, inspite of foreign invasions and internal revolutions ; its unity, inspite of divergences of race, religion and language and its elasticity and power of adaptation. To quote the author's own words : " After centuries of stress and conflict, India has gradually evolved a common civilisation, a collective consciousnees which embraces wide varieties of temperament, tradition, ways of thought and belief. "

On all the topics included in these lectures much was written before they were delivered and much has been written since. The University of Lucknow is, however, conscious that a perusal of them can be of great benefit for one who wants to acquire a comprehensive view of Dharmaśâstra, without having to spend too much time on it and it is in this belief that these lectures are now being published.

K. A. Subramania Iyer
Vice-Chancellor,
Lucknow University.

PREFACE

The following Lectures were delivered at Lucknow on the 16th, 17th and 18th in the month of October 1949.

Dharma S'âstra is a vast subject, dealing with topics each of which would cover a large space.

These lectures are evidently intended to indicate in a summary form the several broad divisions into which its consideration may fall. The details have to be gathered from the references given at the relevant places.

For a consolidated view of the Vedic conception of Humanity, as a part of the Creation in General, its original development and final goal, which is the central theme of the topic of *Dharma S'âstra*, the reader is referred to the following:

I. The *Taittirîya Âraṇyaka*, being No. 36 of the *Ânandâśrama Sanskṛt* Series, and in particular, the *Upanishads* known as *Nârâyaṇa*, *S'ikṣhâ*, *Bhṛgu* and *Braḥmavid*, *Chitti* and *Sahavai*.

II. The *Bhagavadgîtâ*—The ' Song Celestial ' which, true to its characterisation in the *Gîtâ Mâhâtmya*, is the quintescence of Ancient wisdom, being the elixir churned by the Gopâla Nandana from the milk of all the *Upaniṣhads* for the elevation of mankind.

सर्वोपनिषदो गावो दोग्धा गोपालनन्दनः ।...दुग्धं गीतामृतं महत् ॥

With this object :

सर्वेऽपि सुखिनः सन्तु, सर्वे सन्तु निरामयाः ॥

Law College, Poona.
March, 1956.

J. R. Gharpure.

CONTENTS

Subject Page

Division of the Subject ... 2
The expression *Dharma S'âstra* ... 3
Dharma ... 3—4
Its aspects ... 5—8
'Law', and '*Dharma*' ... 9
Origin of *Dharma* ... 10
Ṛta and *Satya* ... 11
Vyavahâra ... 13
Correlation of right and responsibility ... 13
S'âstra 15
Foundations of *Dharma S'âstra* ... 14
Sources ... 15—19
Manu and *Yâjñavalkya* ... 20
The Epics ... 23
Their influence ... 24
The Jurisconsults ... 25
The *S'âkhâs* ... 30
The Evolution of the Sources ... 26
The First stage, the Vedas ... 27
Second......Smṛtis ... 28
Next—the *Nibandhas*, Digests ... 31
Custom, *Âchâra* ... 33
Statutes and Precedents ... 33—34
Their applications to Regions and Persons ... „
The Fundamentals of *Dharma S'âstra* ... 35
Varṇas, *Âśramas*, *Puruśhârthas Dharma* and *Ṛṇa* 36—38
Âśramas ... 38—40
Puruśhârthas ... 40
Varṇa and *Jâti* 44, 46, 58

Subject Page

The *Châturvarṇya* ... 49
Dharma S'âstra and *Artha S'âstra* ... 58
Tradition of its origin ... ,,
Its significance ... ,,
The *Âśramas* ... 63
The *Saṁskâras* ... 63
The *Upanayana* ... 70
Samâvartana ... 76
  The Householder, *Gṛhastha* ... 76
  The *Snâtaka* ... 79
The *Râja Dharma* ... 81
King's courts, their jurisdiction ... 84
  Secular Jurisdiction ... 84
Torts and Crimes ... 84
The *Vanaprastha* ... 97
Conclusion 98
Mokṣha ... 102
Our cultural unity Authorities recommends ... 105–106
The *Taittirîya Âraṇyaka* and the *Bhagavadgîtâ* ... 107

PROFESSOR SIDDHANTA, Ladies & Gentlemen,

I consider it my first duty to thank the authorities of this University and Dr. Mukherjee for giving me an opportunity of associating myself with this Endowment which was inaugurated for perpetuating the memory of the very valuable contribution made by the distinguished doctor to the cause of history in general and to this University in particular. Dr. Mukherjee is well known to you and has evoked universal appreciation; for विद्वान् सर्वत्र पूज्यते, and detailing his career before this distinguished audience would be carrying Ganges water to Gangotri.

This is the fourth of the series since this Lecturership was inaugurated, Sir Srinivas Varadachari having delivered the opening i. e. the first, was followed by two distinguished scholars for the second and the third of the same. During the period intervening, moreover, has appeared the new Edition of Dr. Mukherjee's "Hindu Civilization". These facts demonstrate the aptness of the topic viz. *Teachings of the Dharmaśâstra*, upon which I have been asked to speak to you. Speaking for myself, I feel very happy at the choice of the title selected by the University. For although in any discussion regarding the civilization and progress of any nation, references to other types of civilizations may happen to be made in due course and are inevitable, such references would be merely casual and may serve as a background as aids to a proper appreciation and visualization of the topic in hand. Moreover, the culture of the Vedic Âryas after their advent to this vast continent of ours has a peculiarity of its own. I cannot do better than remind you of what was stressed by that eminent Sanskrit scholar and devoted friend of India, Prof. Max Muller; for says he :—

> [1] "If I were to look over the whole world to find out the country most richly endowed with all the wealth, power, and beauty that nature can bestow — in some parts a very paradise on earth — I should point to India. If I were asked under what sky the human

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[1] India, What can it teach us? p. 6,

mind has most fully developed some of its choicest gifts, has most deeply pondered on the greatest problems of life, and has found solutions of some of them which well deserve the attention even of those who have studied Plato, and Kant — I should point to India. And if I were to ask myself from what literature we, here in Europe, we who have been nurtured almost exclusively on the thoughts of Greeks and Romans, and of our Semitic race, the Jewish, may draw that corrective which is most wanted in order to make our inner life more perfect, more comprehensive, more universal, in fact more truly human, a life, not for this life only, but a transfigured and eternal life — again I should point to India. "

The subject matter of Dharmâśastra and its teachings cover a vast field, and each topic or even a branch of each, if properly dealt with in all particulars will very easily require at least double the period of time prescribed for the present series. Moreover, many of us are not entirely unacquainted with the subject of Dharma S'âstra in general and with some of its topics in particular. Although, therefore, care will be taken to avoid all unnecessary details, still commonplace references in some cases will be inevitable and thus necessitating a call upon your indulgence; such statement being only a reminder, and one would adopt the apology of *Vasishtha*[1] स्मारितं न तु शिक्षितं.

Another point which strikes one at the outset is that, having regard to the vastness of the subject, and the limitation of time at our disposal, it would be impossible to set out in full details the Teachings of our Dharma S'âstra as recorded in these jottings, and therefore a bare summary of these would be all that may possibly be laid before you during these three days.

I propose to divide the subject by grouping it under the following heads :

I. (*a*) The Expression *Dharma S'âstra*, with a discussion of the two component parts (*b*) *Dharma* and *S'âstra*, together with its basis—i. e. (*c*) The Sources of *Dharma S'âstra* and (*d*) the application thereof by regard to *Persons* and to *Regions*.

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[1] योगवासिष्ठ।

II. The Fundamentals of *Dharma S'âstra* with particular reference to the (*a*) *Varṇas*, (*b*) *Âśramas*, (*c*) the Objectives and (*d*) the Means for securing the objectives.

III. The method of operation of these means prescribing the rules as to *Âchâra*, *Vyavahâra* and *Prâyaśchitta*, and

IV. The result after attaining it, i. e. the condition of one who secures this objective.

With these preliminaries one may turn to the subject, viz.

Teachings of the Dharmaśâstra

The compound expression *Dharma-śâstra* is formed of the two words *Dharma* and *S'âstra.* Therefore the teachings of the Dharmaśâstra will not have been properly appreciated unless the expression *Dharmaśâstra* is properly understood by a thorough analysis. In this respect, **Manu's**[1] characterisation of it, and its differentiation from *S'ruti* will be a very useful guide ; for says he. " By *S'ruti* however, should be known to be the *Veda* ; while *Dharmaśâstra* is *Smṛti.*" Taking out stand upon this point, it is proper first to have a clear idea of the two words *Dharma* and *S'âstra.*

The word *Dharma* is one of the most complex expressions which are not amenable to any attempt at an analysis or definition. Right from the *Vedas*, the most ancient of the world's literature, down to the most modern times, this word will be found to have been used in a variety of senses expressing diverse notions.

Dharma is derived, from the root (धृ) *dhṛ*, ' to hold ' and denotes to a large extent and also connotes the same idea as the word Law derived from *lego* ' I bind '. For, Dharma in its widest and correct significance means that attribute or quality which indicates inseparable connection between causes and their effects. In other words, given certain facts or events, the result which must necessarily follow from such facts or events is the

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[1] श्रुतिस्तु वेदो विज्ञेयः धर्मशास्त्रं तु वै स्मृतिः ॥ Ch. II 10.

Dharma of these e. g. if a thing is let loose, it must fall to the ground; therefore the Dharma of a thing (पदार्थधर्म) which has no support is to fall to the ground. It is in this sense that in the most ancient literature of the world viz. the Vedas, the word Dharma has been understood and interpreted. It may be regarded as its most primary sense. [1]

In the Illustration given above, however, if the thing which was without a support had been held up by any intervening agency the result of such intervention may apparently create a diversion from the inseparable consequence viz. of the thing falling to the ground. In other words, but for any artificial intervention, whatever result is expected as the consequence of certain facts and events, that result is known as its Dharma.

In the same manner, the word 'Law' may be understood as the invariable consequence which must necessarily follow from the combination of certain facts and events. This is what may be understood in the expression such as natural law. But this significance of the word Law has undergone contraction and limitation as is seen in the variation of the results which are due to the intervention of adventitious causes and circumstances; and it is these interventions that have been mainly responsible for giving the word Dharma or Law a restricted significance such as Positive Law, *Vyavahâra-Dharma* etc. It is the intervention of outside agencies that causes an obstruction in the realization of the natural consequences.

Dr. Mees observes:

"The Western mind, accustomed to make a sharp distinction between morality and custom, and between moral law and statute law, is sometimes surprised at the almost primitive simplicity which the conception of Dharma seems to possess at first sight. But not only Dharma, we have sometimes occasion to wonder at the vagueness of the conceptions of the main ancient cultures, for instance Indian, Greek, Roman or Jewish, about law, convention, religious duty, moral duty, etc. Western Science and philosophy have analysed the indeterminate primitive norm into its different aspects, its component parts, distinguishing them very clearly. "[1]

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[1] धर्मो विश्वस्य जगतः प्रतिष्ठा ।

So Babu Bhagwan Das : " Modern Western thought ... has, for various reasons, historical and evolutionary, become disconnected with Dharma, religion – law, which in its perfection and completeness is the one science of all sciences, knowledge pre-eminently directed to the achievement of desired happiness here and hereafter by means of appropriate action." He continues : " The mainspring of this Western knowledge is mainly intellectual, knowledge for the sake of knowledge, at least as that mainspring is described by some of those in whose hands it has made progress, especially in science ...... It is indeed true that science in the West has been very much its own end, and that the higher mind or intuition, the organ for direct realization of truth, has not been fashionable in scientific circles. It must also be admitted that neither logic nor epistemology can give us a clear idea of this underlying law or principle, which can satisfy us fully.[2]

Dharma has several aspects : In the Ṛgveda it appears to have been used both as a noun and as an adjective. It is treated in the ancient times as a superhuman or divine being ; but more generally Dharma is referred to as an impersonal principle. As for example, Sacrifice (यागादिरेव धर्मः) ; that which is demonstrated by the Vedas (वेदप्रतिपाद्यः) ; the old *Ṛta*[3] ; the ethical[4] duty, virtue ; what is morally proper ; or good works ; Religious duty or religious virtue e. g. तानि धर्माणि प्रथमान्यासन् (Ṛg. X. 90–16). the ideal ; a universal law or principle identical with God or Absolute Truth ; Divine Justice ; Sometimes *Dharma* is found as a mythological personage, a Divine Avatâra, a compromise between the ideal and actual conditions ; a code of customs and traditions ; common law or Law ; international or n.ertribal law. Rules laid down for the proper administration of classes[1], and as part of this the characteristic distinctions of Varṇadharma, Jâti-dharma, Âśramadharma, Varṇâśrama dharma, Guṇa-dharma, Nimitta-dharma, Sâdhâraṇa–Dharma and other Dharmas[2]. See Smṛtichandrikā Page 6 – where all· these have been explained.

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[1] Dharma and Society by Dr. G. H. Mees.

[2] The Science of Peace p. 50

[3] This will be elaborated hereafter see further on pp. 11.

[4] वृषश्चतुष्पाद् भगवान् धर्मः सत्ये प्रतिष्ठितः ।
अश्वमेधसहस्रं च सत्यं च तुलया धृतम् । तुलयित्वा तु पश्यामि सत्यमेवातिरिच्यते ।
Rāmâyaṇa II.
अहिंसा सत्यमस्तेयमकामक्रोधलोभता ।
भूतप्रियहितेहा च धर्मोऽयं सार्ववर्णिकः ॥ महाभागवते ११.१७.२१

It is also used in regard to men's actions in this world such as the *Pravṛtti*-dharma and *the Nivṛtti*-dharma ; and it has also reference to *Karma* or *Bhakti*. The word law or [3] *jus* conforms in its significance to some of the aspects of Dharma above specified. In the Dharma S'âstra, as the introduction says, the word 'Dharma' has been used with reference to the rules and regulations for the proper organization and management of the caste and classes of society consisting of the several castes carrying on in the several stages or Âśramas of life.

The *Yâjñavalkya* Smṛti opens with a request by the sages to the great sage *Yâjñavalkya* for an exposition of these Dharmas, and *Vijñâneśwara* in his commentary the *Mitâkṣharâ* on the first verse which contains the request for such exposition, clarifies the request in its several aspects by pointing out that the Dharmas referred to are the *Varṇa*-dharma *Âśrama*-dharma, *Varṇâśrama*[4]–dharma and other Dharmas. The *Guṇa-dharma*, *Nimitta-dharma* and *Sâdhâraṇa–dharma* more or less moral or ethical codes such as, 'One should not cause injury to any beings[5]', 'one should expound the rules of conduct and of purification as laid down in the *S'ruti*[6].' Thus from the higher conception of Dharma as an abstract entity, its practical application developes it down into rules and directions for the several divisions of the Society and its principles in their mutual relations. The Smṛtis whether in the form of *Sûtras* or Metrical Smṛtis generally treat these rules regulating the conduct of the societies in their several aspects.

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[1] "सर्ववर्णानां......अन्तरप्रभवाणां च धर्मान" मनुस्मृतिः १।२
सरतुरगीयसंपर्कांज्ञाताश्वतरवज्जात्यंतान् वर्णशब्देनाग्र हणात् पृथक् प्रश्नः। See कुल्लूक

[2] See Smṛtichandrikā page 6–where all these have been explained.

[3] Compare *Jus* (Lat), *Druit* (Fr.), *Diretto* (Ital.), *Derecho* (Span), *Recht* (German) and similarly in· other languages.

[4] e. g. शमो दमस्तपः शौचं संतोषः क्षांतिरार्जवम् । मद्भक्तिश्च दया सत्यं ब्रह्म प्रकृतयस्त्विमाः ॥ १६ ॥ १७—२० म. भागवते ।

[5] न हिंस्यात् सवभूतानि।

[6] शौचचारांश्च शिक्षयेत्!

Dharma or Law, therefore, has an abstract significance and also it has a concrete use. Generally, therefore, *Dharma* may be described as ' the regulator of the word's relations. '

The following extract from the ' Idea of Law [1] ' may be noted:

> All human beings, as also beings other than human, and for the matter of that, all created things are governed by a ' Law '. The whole of the universe is amenable to a Law or the Law which is common to all. The idea of law therefore as it was conceived by the ancients has an extensive and universal application. According to the Aryans, and in particular the Indo-Aryans, the whole of the universe, whether consisting of the movable (*chara* चर) or the immovable (*achara* अचर) as also whether visible to the physical eye (दृष्ट) or invisible (अदृष्ट) was founded [1] in and governed by a law from its inception, which according to the generally accepted notion was the result of the Divine Will, or according to some schools was the automatic result of forces working under an immutable law, which regulated anything and everything which came under its influence. Thus the most common element in the term law in all its shades of meaning or conception is the uniformity, results or consequences being produced from certain facts, under certain environmental surroundings. '

The wonderful discoveries of scientists like Sir Jagadish Chandra Bose, Mathematicians like Einstein have now paved the way for the universal application of the rule of the ancients that all things in the created Universe are amenable to a ' Law. '

Man cannot live alone ; an individual cannot do without a family which again cannot be conceived of except as part of a larger organization or society severally known as a gens (family), a tribe, or a nation.

If these combinations are to continue together and in a harmonious manner or in a manner which, as far as possible, would involve as little disharmony as possible, some rule of life, some uniform convention becomes necessary. Individual impulse must be subordinated to larger interests, the orbit of subordination varying differently with the expanse of the unit or nation. *Sic utere tuo ut alienam non lædas.* [1] The subordination of individual interests grows into such an ingrained habit of the society or the nation that the corporate mind ceases to conceive of an individual as anything excepting that which exists for and subordinated to the society. The relations of the individual and the groups or of several groups *inter se* are determined either by a predetermined arrangement, in which case it is called a covenant or a compact, or come to be established by a long course of conduct and submission which gives rise to what is known as 'a rule or habit of action, which either consciously or unconsciously is used by some body or class of persons or even by one person. It is the 'spontaneous evolution by the popular mind of rules the existence and general acceptance of which are proved by their customary observance.' As Julian has observed: 'Those rules, which the people without any writing has approved, bind all persons; for what difference does it make whether the people declare their will by their votes or by things and acts ?'

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[1] धर्मो विश्वस्य जगतः प्रतिष्ठा.

The next and the last phase of the conception of 'Law' is to be seen among societies more or less developed on individual lines of each. For, while in some highly civilised societies, e. g. the Indo-Aryans, the source and origin of law as an abstract proposition as well as a specific rule of conduct is ascribed to *S'ruti* or what is revealed, in other societies, e. g. the English, the word law in a concrete sense is used to mean, 'any particular rule, having the nature of law in the abstract sense, which is expressly prescribed by the supreme power in the State, or by some person or body having authority for that purpose though not generally supreme'.

A law in this sense is the exercise of a creative or at least formative authority and discretion; the power that made it might conceivably have chosen to make it otherwise. Thus the conscious exercise of an authority by a sovereign in its formation is the essential characteristic of a 'Law' according to the conception of the school of Bentham and Austin."

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[1] C/o त्यजेदेकं कुलस्यार्थे, ग्रामस्यार्थे कुलं त्यजेत् ।

[2] Dig. I. 3·2 Cited Bryce Vol. II. 671.

Law and Dharma (धर्म) ; Right and Vyavahâra (व्यवहार).

The various stages of the origin, development and the use in popular as well as in technical language of the term Law have been noticed above. It will be seen from this broad survey that the term 'Law' coincides thoroughly with the term 'Dharma' not only in the origin and derivation, linguistically as well as socially and scientifically, but that the denotations as well as the connotations of the terms are co-extensive in all respects. For while the term Law is derived from a Latin root which means 'to bind,' Dharma also owes its origin to the Sanskrit root which means 'to hold', 'to bind.' The expressions 'Law of Gravitation', 'Social Law' etc. have their prototypes in the 'Padârtha-dharma', 'Samâja-dharma' and other similar expressions. Law and Dharma therefore in their abstract sense have a perfect correspondence This correspondence is maintained even when the term 'Law' does not much descend from its abstract position. It is only when the term 'Law' is subjected to limitations and particularisations, that its divergence from Dharma makes a beginning. In this respect, its destiny is very much on a par with the latin *Jus.* Dharma has occupied a large portion of the Sanskrit literature on account of the multilateral use and application of that term. Keeping aside all these various shades of its use, even in a scientific treatise, the use of that term has been very much like that of the term Law.

It has been defined as चोदनालक्षणोऽर्थः, an '*Artha*, an expression which has the characteristic of 'a command.' In this aspect it conforms to the Austinian conception of a command as the source of its origin. In another definition, viz. यतोऽभ्युदयनिःश्रेयससिद्धिः सः धर्मः it represents the utilitarian aspect of that term. While in the definition or rather the description contained in the passage आचारप्रभवो धर्मः, law and usage are treated as on a par ; or at any rate, usage has been indicated as a source of law. Its description in the Mahâbhârata [1] practically rounds up all the afore-mentioned positions and lays down that whatever holds or sustains people is Dharma.

What is contemplated by the aspect of the word in English viz. 'the dictates of a sovereign authority,' is contained in the definition of Dharma given in the **Mîmâṃsâ** : 'चोदनालक्षणोऽर्थो धर्मः'

These laws and rules if carefully followed would result in general good, while their disobedience would lead to chaos. Therefore it is clear that all happiness is entirely dependent on धर्म [2].

The expression *Dharmaśástra* therefore when interpreted in its full significance would mean, the Rules or Ordinances or Regulations (*Dharma*) which have a binding force (*S'âstra*).

That the *Dharmaśâstra* (Rules) were binding upon the community and were enforced by the Executive authority is evidenced from all records which have been handed down from the past, according to which it was the King whose duty it was to carry on the Government of the people, who compelled obedience to these Rules and enforced their sanction by administering punishments to those who were guilty of disobedience.

It should be borne in mind that among the Indo-Aryans, the **King** was **not above the Laws.** He was amenable to the law equally with the other members of the State. His function in the Department of Law was only that of an executing authority. This point will be elaborated further on during the discussion about the sources of Law.

But the most ancient and by far the primeval original ideas of Dharma may be found in the Vedic literature, which evidences its

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[१] धारणाद्धर्ममित्याहुर्धर्मो धारयते प्रजाः । यत्स्याद्धारणसंयुक्तं स धर्म इति निश्चयः ॥
(महाभारते शांतिपर्वणि १०९ । ११)

यमार्याः क्रियमाणं प्रशंसान्ति स धर्मः । आपस्तंबः Also see Manu.

[२] धर्मो विश्वस्य जगतः प्रतिष्ठा ।... ... धर्मेण पापमपनुदति । धर्मे सर्वं प्रतिष्ठितं । तस्माद्धर्मं परमं वदन्ति । Taittirîya Âraṇyaka.

universal character in an all-pervading orbit. The well known Hymn of the Veda, among others, introduces this concept. It is this :

> " The *Ṛta* and *Satya* was born from the light heat ; from thence was born night, and thence the billowy sea. From the sea was born Saṁvatsara–the year ; he who ordered day and night, the Lord of all that moves (works). The maker (*Dhâtâ*) shaped the Sun and the Moon in order ; he shaped the sky, the earth, the welkin and the highest heaven [1]. "

This concept of *Ṛta*, as an impersonal Order or law pervading the physical and the moral world, marks out a distinct phase in the history of Vedic thought and culture. According to Max Muller this term originally meant no more than 'straight line' (*Ṛta*) and stood for the appointed course of the Sun, the Moon and the stars ; subsequently it came to indicate the sacrifice regulated by the periodical movements of these, and finally law or *Dharma*.

> Dharma is more powerful than *Kṣhatra.* Dharma is with itself. There is nothing higher than that.

Thus *Ṛta* is here, there, everywhere, dwelling among men in places glorified and of sacrifice, in the water, in the sky, the Sunlight and in truth.

We call that *Ṛta*, that straight, direct, or right line, when we apply it in a more general sense, the Law of Nature ; and when we apply it to the moral world, we try to express the same idea again by speaking of the moral Law, the law on which our life is founded, the eternal law of Right and Reason, or, it may be, 'that which makes for righteousness' both within us and without.

And thus, as a thoughtful look on nature led to the first perception of bright gods, and in the end of the God of light, as

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1. Ṛgveda X. 190. 6. *The Aghamarṣhana Sûkta.* ऋतं च सत्यं चाभीधात्तपसोध्यजायत । ततो रात्रिरजायत । ततः समुद्रो अर्णवः । समुद्रादर्णवादधिसंवत्सरोऽजायत । अहोरात्राणि विदधद्विश्वस्य मिषतो वशी । सूर्याचंद्रमसौ धाता यथापूर्वमकल्पयत् । दिवं च पृथिवीं चांतरिक्षमथोस्वः ।

love of our parents was transfigured into piety and a belief in immortality, recognition of the straight lines in the world without and in the world within, was raised into the highest faith, a faith in a law that underlies everything, a law in which we may trust, whatever befall, a law which speaks within us with the divine voice of conscience, and tells us 'this is *ṛta*,' 'this is right,' 'this is true,' whatever the statutes of our ancestors, or even the voices of our bright gods, may say to the contrary.

"And it is due almost entirely to the discovery of the Vêda that we, in this nineteenth century of ours, have been allowed to watch again these early phases of thought and religion, which had passed away long before the first beginnings of other literatures. In the Veda an ancient city has been laid bare before our eyes which in the history of all other religions, is filled up with rubbish, and built over by new architects. Some of the earliest and most instructive scenes of our distant childhood have risen once more above the horizon of our memory which, until thirty or forty years ago seemed to have vanished for ever." P. 244.[1]

'The *Ṛta*' thus stands as much for a physical as for a moral order – the former standing in an instrumental or subordinate relation to the latter. What affords an instructive comparison herewith is the Stoic maxim of 'life according to nature,' which is but another way of characterising 'life according to reason'. If, therefore, the ethics of the Ṛgveda, rooted in the concept of *Ṛta*, be at all conceded, it is not to be construed as an ethics of naturalism with its apotheosis of *la bete humaine*. It provides, in the stricter sense, an ethics in accordance with the highest human ideal which was destined to realise all its ethical implications in the Law of Karma. Of that there is surely no room for a misgiving; for accredited exponents of the philosophy and history of religion, view 'the *Ṛta* and *Karma* of the Hindus' as more or less hyphenated in their nature, and classify them, on grounds of functional similarity, with the Nemesis of the Greeks, the Ashavaista of the Persians, and the Tao of the Chinese[2].

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[1] Max Muller Hibbert Lectures P. 243.

[2] Dr. S. K. Das in Philosophical Quarterly Vol. XIV, pp. 79-80.

Thus it will be seen that the most ancient origin of Dharma in the word '*Ṛta*' has far reaching effects. Shortly stated, straight conduct based on truth is the definition of Dharma. In fact this idea will be found to be prevailing in all the Smṛtis also. The first verse of the Smṛti of Nârada opens as follows :—

धर्मैकतानाः पुरुषा यदासन् सत्यवादिनः। तदा न व्यवहारोऽभून्न द्वेषो नापि मत्सरः ॥ १ ॥

Which in substance says that men are ordinarily expected to be straight in their behaviour and free from cruckedness ; this necessarily assumes truthfulness both in speech and conduct ; and it says therefore, that there would be no occasion for any *Vyavahâra* or differences arising between any individuals ; and the second verse states as a very logical conclusion from the first that the disappearance of *Dharma*, *ṛta*, or straight conduct from among the people between themselves leads to the starting of disputes, and for that the institution of Governmental machinery has been stated to be inevitable.

नष्टे धर्मे मनुष्याणां व्यवहारः प्रवर्तते। द्रष्टा च व्यवहाराणां राजा दण्डधरः स्मृतः ॥ २ ॥

Indeed, it is from this aspect that *Vyavahâra* (व्यवहार) has been derived and genesised thus :

वि नानार्थे **अव** संदेहे हरणं **हार** उच्यते । नानासंदेहहरणात् व्यवहार इति स्मृतः॥ [1]

Lastly there is, however, one more aspect, and a very important one also, of this term which evidences the degree of advance in ethical and legal ideas in which the Vedic Aryas stood over others. The well-known rule that 'every right' has a correlative 'duty' is embodied in the word *Dharma* which is indicative both of right and duty. In this respect it is best indicated by the word '*Adhikâra*' (अधिकार) and *Adhikârī* (अधिकारी) which is expressive of both. One is *liable* to a penalty (*Adhikârī*), as well as entitled to a reward. The word for both the expressions of these two correlated opposite notions of 'Right' and 'Obligation' by the single word अधिकार as instanced in the word अधिकारी marks the very great progress our society had made in their sociolegal notions as e. g. पितृधर्म, पुत्रधर्म, राजधर्म, प्रजाधर्म—expressing in one term the concommitance of right and obligation.

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[1] See Nârada Chap. 1, 2 and the commentary of *Asahâya*.

ŚÂSTRA

The next term in the expression Dharmaśâstra also claims special notice. S'âstra in its ordinary significance in popular language is rendered as Science, i. e. something which lays down principles. Literally, however, its root meaning from *S'âs* शासु "to command", would be an 'order' which dictates–*Sishyate anena iti* (शास्ति शासति; शिष्यतेऽनेनेति ।) that by which a command is laid or/and enforced is *S'âstra.* The word *S'âsa* like the word command, implies obedience, with the further implication that disobedience of the command involves punishment for those who are guilty of the disobedience. *S'âsana* therefore in the popular language has come to mean 'sanction' – punishment. The value of punishment or *daṇḍa* as a necessary asset for a good Government, has been sufficiently elaborated in important Hindu Law works and will be indicated hereafter.

The object of every undertaking is to secure the greatest possible good to the greatest number of people. The whole world is after happiness; and happiness cannot be secured except by the avoidance of evil; the avoidance of evil can be accomplished only by conforming to the Rules and Laws, those rules as have been laid down for all the Varṇas in regard to all the orders of life.

And generally विश्वामित्र rounds up by stating:

यमार्याः क्रियमाणं तु शंसन्त्यागमवेदिनः । स धर्मः यं विगर्हन्ति तमधर्मं प्रचक्षते ।।
स्मृति चं. पृ. ६ पं. २.

Sources or the basis of Dharma Śâstra

Having thus determined the meaning and the genesis of the words *Dharma* and *S'âstra*, the **sources** which are its foundations may be briefly noticed. Similarly also a cursory view of their kinds or variations may be taken. A detailed discussion will then be necessary of the **fundamentals of Dharmaśâstra.** It would be after these preliminary considerations that the central topic of these lectures viz. the **Teachings of Dharmaśâstra** may be taken up for discussion.

Sources of Dharma.[1]

All the authorities are unanimous in giving the place of honour to the Vedas. In fact this Vedic period is the first period with which the history of the Indo-Aryans may begin.

The Vedas are four viz. *Rk*, *Yajus*, *Sâma*, and *Atharvan* and their aṅgas are *S'ikṣhâ*, *Kalpaḥ*, *Vyâkaraṇam*, *Niruktam*, *Chhandaḥ*, *Jyotiṣham*.

Then comes the *Dharmaśâstra* comprehending within their scope the *Sûtras*, *Smṛtis*, *Nibandhas*, *Purâṇas*, *Nyâya*, *Mîmâṃsâ.*[1]

Of all the Smṛtis the most important are those of *Manu* and *Yâjñavalkya*. For, while Manu has been given great importance on account of its antiquity, the *Smṛti* of *Yâjñavalkya* is practically the basis of the *Dharmaśâstra*. This is the General Law of the Hindu India.

In this respect, it is in fair contrast with its predecessor, the Manu Smṛti. Both are the reproductions of the expositions of the Rules propounded for the followers of their respective schools of thought. The older Smṛti i. e. that of *Manu*, was re-stated by *Bhṛgu* at the request of student scholars, and similarly that of *Yâjñavalkya*, which sets out the Rules governing the followers of that School of thought, is a reproduction of the Rules which prevailed in that School, as declared by the sage *Yâjñavalkya* in response to the request made by his pupils such as Sâmaśravasa and others.

In point of methodical presentation of the Rules, the Smṛti of Yâjñavalkya is a distinct advance over that of Manu, inasmuch as it presents the Rules in a compact form in three distinct parts or Adhyâyas, while the statement of the Rules in the Smṛti of Manu runs over 12 Chapters and not in a concise form

The *Yâjñavalkya* Smṛti consists of three books or parts viz. The *Âchâra*, or " the Rules of Conduct, " the *Vyavahâra* 'Civic Rules ' and *Prâyaśchitta*, " the laws of Penance or punishment. "

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1. पुराणन्यायमीमांसाधर्मशास्त्रांगमिश्रिताः । वेदाः स्थानानि विद्यानां धर्मस्य च चतुर्दश ॥ याज्ञवल्क्यः आचारे ३. श्रुतिस्तु वेदो विज्ञेयः धर्मशास्त्रं तु वै स्मृतिः ॥ मनुः

Yâjñavalkya exhibits the Sources from three different points of view viz.

(1) **Places** where to find the Law.

(2) The **authorities** on Law.

(3) The **Rules** of Law **in** practical **working.**

This last has been further expanded by a general rule ; thus in effect the sources can be studied under **five heads.**

(1) As regards the **places** where to find the Law; verses 3, 4, and 5 give in a nut-shell the list of these places vi. (1) the Purâṇas, (2) Nyâya, (3) Mîmâṃsâ, (4) Dharmaśâstra (5) the four Vedas with their six Aṅgas. Thus in all, fourteen places have been indicated. These in their chronological order in point of priority, may be arranged as follows :—

The (1) vedas with their Aṅgas, (2) then the Purâṇas, (3) then the Nyâya (4) and the Mîmâṃsâs and then the (5) Dharamaśâstra.

Incidentally the expansion of the term *Dharmaśâstra* brings in a list of the authors of the *Dharmaśâstra* viz. Manu, Atri, Vishṇu, Hârîta, Yâjñavalkya, Uśanâḥ, Aṅgirasa, Yama, Âpastamba, Saṁvarta, Kâtyâyana, Bṛhaspati, Parâśara, Vyâsa, S'aṅkha, Likhita, Dakṣha, Gautama, S'âtâtapa, Vasiṣhṭha. · These among others have been indicated as important guides in the matter of the *Dharmaśâstra.* In his commentary on these two verses, the author of the *Mitâkṣharâ* remarks that the list set out therein is not to be taken to be exhaustive or restrictive ; it is merely indicative, so that authors though not included in this list are also authorities on the law ; and therefore the pertinent inference that the Author draws from this enumeration is that it is for this reason that the Rules of Dharmaśâstra stated by Yâjñavalkya should be carefully studied.

The most important remark made by Vijñâneśvara in this connection is as follows[1] :—" Although each one is by itself an authority individually, still wherever any one of these requires to be supplemented, that supplementing is to be done by a reference to other authors; in the case of a conflict, however, there is scope for an option."

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[1] एतेषां प्रत्येकं प्रामाण्येऽपि साकाङ्क्षाणामाकाङ्क्षापूरणमन्यतः क्रियते। See Collections Vol. II p. 21 and note 5 on pages 21 and 22

An analytical examination of this portion of the Smṛti would be much helpful for a clear conception of the general plan. It has been pointed out above that the Author approaches the question of the sources of Dharma or the Law mainly from two points of view viz. (1) The **places** where the rules of law may be found, and (2) the **acts**, performances and similar happenings from which the rules of law may be deduced by inference, just as from precedents. **Verses 3, 4, 5 and 7** cover the first, i. e. they point to the **places** where Law may be found; and verses 6, 8, and verse 65 of the *Prâyaśchittâdhyâya* indicate the **law in practice**. This may be briefly summarised in the following rules :—

(1) [1] Donations bestowed upon deserving persons during the performance of sacrifices or other rites (Verses 6 and 8).

(2) To this, however, is an exception viz. the perception and realisation of 'the Self' by means of Yoga (V. 8.)

(3) [2] And generally, it is not the outward semblance or show that conduces to Dharma; therefore, one should so act as not to make himself disagreeable to others (V. 65 Ch. III).

And the most general statement which the Author makes towards the end of this Introductory Chapter rounds up the subject of sources by stating a practical or visible rule combining the place-finding and the causative attributes of Dharma viz.,

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1. देशे काले उपायेन द्रव्यं श्रद्धासमन्वितम् । पात्रे प्रदीयते यत्तत्सकलं धर्मलक्षणम् ॥६॥
इज्याचारदमाहिंसादानस्वाध्यायकर्मणाम् । अयं तु परमो धर्मः यद्योगेनात्मदर्शनम् ॥७॥

2. नाश्रमः कारणं तत्र क्रियमाणो भवेद्धि सः । (प्रायश्चित्ते ६५)
अतो यदात्मनोऽपथ्यं परेषां न तदाचरेत् ॥ *Sic utere tuo ut alienam ledas.*

[1] “ Whatever a *Parṣhat* i. e. men well-versed in the vedas or in the three lores may declare, that is Dharma; or even one who is the foremost among the knowers of the Self. (V. 9.)

Having thus visualised the general scheme about the sources of Law, the Jñâpaka or informative sources may now be examined in details, as it is here that a collective view of the entire literature, may conveniently be taken. As the combined effect of verses 3, 7, 4, and 5, the following have been indicated as the sources of Dharma viz. (1) S'ruti, (2) Purâṇa, Nyâya, and Mîmâṁsâ (3) Smṛti or Dharmaśâstra, and Arthasâstra (4) The practice or usage of the good, (5) (6) What appears commendable to oneself and (7) a desire born of a proper resolve.

N. B.—To these may be added (8) Equity, (9) Fiction, (10) Judicial Decisions and (11) Legislation, the agencies which have influenced them. Equity and Fiction have greatly influenced the development of the Law, and Judical Decisions and Legislation have introduced important modifications.

These sources have been collectively stated as *Dharmaśâstra*, a comprehensive expression which includes several sub-divisions according to their order of importance and priority.

Dharmaśâstras.

The Rules of Dharmaśâstra are the rules of Substantive and Adjective Law of the Smṛtis. The expression therefore includes that kind of literature which is known generally as the Smârta Dharmas.

The *Smṛtis fall under two main heads*, the *Sûtras* and the metrical *Smṛtis*. The *Sûtras* are the Kalpa Sûtras which again are divided into the S'rauta, Gṛhya, and Dharma Sûtras. The Smṛtis which are metrical in composition are generally of a later period than the Sûtras which to a considerable extent are in aphoristic form. The number of these Sûtras and the Smṛtis is

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1. चत्वारो वेदधर्मज्ञाः पर्षत् त्रैविद्यमेव वा । सा ब्रूते यं स धर्मः स्यात् एकोऽध्यात्मवित्तमः ॥

(आचारे ९)

विद्वद्भिः सेवितः सद्भिर्नित्यमद्वेषरागिभिः । हृदयेनाभ्यनुज्ञातो यो धर्मस्तं निबोधत ॥

Cp. Manu II. 6.

large ; even those which are known are many. Very recently a large number of these have been put in print in the original textual form, and some also have been translated into English. These Sûtras and Smṛtis represent different schools, many of them being grouped under one or the other of these schools. So far as the Dharmaśâstra is concerned, the S′rauta Sûtras have not much bearing upon this branch. It is the Dharma Sûtras which entirely treat all the Dharma Rules, and a considerable portion of the Gṛhya-sûtras also take note of these. The Gṛhya-sûtras, of Baudhâyana, Âpastamba, Hiraṇyakeśi, Âśvalâyana, S′âṅkhyâyana &c. are among the principal ones, where topics like the Upanayana and other Saṁskâras such as marriage, the crematory rites and the like are stated.

These may be conveniently summarised for a ready reference as follows :—

-S′rauta-Sûtras
A.—The Sûtras collectively called Kalpasûtras. -Gṛhya- ,, -Dharma ,, All in the form of aphorisms, prose and metrical.

and Commentaries and Bhâṣhyas on these.

B.—Smṛtis. Original
Commentaries.
Nibandhas. Comprehending the entire Dharmaśâstra, Or treating of particular topics such as adoption, marriage &c.

C.—The extension of the rules stated in the above and other sources by the application of the doctrine of Atideśa or Ûha.

D.—Modifications of the rules stated in these sources by Legislation and Interpretation.

After having briefly mentioned the authors named in the Yâjñavalkya Smṛti, a *detailed notice* of *Manu* and *Yajñavalkya* may now be taken. Side by side with these two authorities, *another source* which exercised great influence in this country for a fairly long period must be noticed, and that is the *Arthaśâstra* which attained greater prominence from the time of Chandragupta and for four centuries thereafter. The recent discovery of a work known as *Kauṭilîya-Arthaśâstra* has made available the entire treatise with all its details.

The Codes :—Taking a general view of the whole textual literature, while each in itself touched some points, it is not possible to say that any one of these answered the so called need for a comprehensive code providing for the requirements of the society at any particular time. This want was supplied by the Manusmṛti which contained comprehensive rules providing for the activities of the people on all sides, in social, religious, moral and legal relations. The pre-eminent position given to Manu, may to a greater extent be due to his supplying the society with an all-comprehensive Code. That this method found appreciation with the people can be inferred from the fact that similar compositions, more methodically arranged soon began to appear at different periods responding to the requirements of the people, and a stage was reached when their relative application had to be adjusted by regard to particular ages or Yugas.

Manu and Yâjñâvalkya

" Amongst such Codes, the position of the Codes of *Manu* and *Yâjñavalkya* is pre-eminent. The former is supposed to be the foundation of all the Schools of Dharma. Its authority is regarded as supreme by the unanimous verdict of both the lay and legal literatures and as such it occupies an unique position among the Dharmaśâstra works ; the latter is the present day binding law of the majority of the Hindus. The *Mitâkṣharâ* is a commentary on the Code of *Yâjñavalkya*. It has, in effect, superseded the Code of Manu, and it was with the object of superseding the old but unworkable provisions of the earlier Codes that *Yâjñavalkya's* Code was promulgated. It became the accepted Code or Law of the Indo-Aryans not only on account of its repealing virtue, but also for its advanced and liberal juridical norms."[1]

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1. K. P. Jayaswal Intr. XIX.

Relation of the two Imperial Codes to the Mauryas

In this connection, it is necessary to take into account the imperial Code of the Law of the Mauryas, embodied in the Arthaśâstra of Kauṭilya. "It precedes the *Mânava–Dharma–S'âstra* by about a century and a half, and there are clear traces of its great and immediate influence on the Mânava Code. The latter combats the former's veiw in many places, while Yâjñavalkya borrows bodily from the *Arthaśâstra*. The *Dharmasthīyam* in the Artha–S'âstra is a unique Code in legal history. It is one of the earliest codes of law in the world, and in quality it is far superior to most of the early codes. Its authority embraced an area greater than that covered by any ancient Code. It is absolutely secular. In Hindu legal literature it is the only secular Code before the Nârada-Smṛti, and the Nârada-Smṛti closely follows the Dharmasthiyam. One cannot have a comparative view of Manu and Yâjñavalkya without reference to the Artha-S'âstra. They both are connected with it. Points which in the domain of Hindu Law appeared as so many riddles to earlier writers, can be solved with the help of the Arthaśâstra. The Arthaśâstra was the missing link.

The line of a comparative Study

A correct appreciation of the different Codes and their different provisions without reference to the social, political and economic history of the country is not permissible. The Law Codes are not so many idiocyncratic productions of Brâḥmanas; they represent the social conscience of their times.

While there is considerable agreement between the two Codes and the Mauryan Code or Arthaśâstra, there are some places where a fundamental difference is noticeable between the two systems. Generally upon a conflict between the two, each gives preference to its own system. (1) The Arthaśâstra has a general bias for Artha or gains, while the Smṛtis give preference to principles of Dharma, or good conduct. (2) The most remarkable feature of distinction between the two is that while the Dharmaśâstra prescribes ordeals (दैवी क्रिया) upon a failure of human evidence (मानुषी क्रिया), the Arthaśâstra omits ordeals, but introduces judicial tortures of various kinds ; further (3) the employment of spies has been stated in the *Arthaśâstra* for detecting corruption among judges, witnesses, forgers, thieves and the like, figuring in connection with judicial investigation ; while the Dharmaśâstra contains fervent appeals to the sentiment by exhortations to speak the truth. (4) The main feature of the Arthaśâstra rules regarding punishments is by fines (5) The Arthaśâstra differs from the Dharma rules in regard to the marriage of widows, and divorce is not forbidden. (6) The rules of Arthaśâstra have greater concern with actual usages than the ideals found in the Dharmaśâstra.

Specialisation.

The vast amount of literature not only in Dharma S'âstra, but in other branches of learning which was growing day by day led to the bifurcation of studies ultimately leading to the specialisation in particular branches. That the transition from the Sûtra form to the S'loka form was connected and coeval with that from the Vedic Châraṇas to special schools of Dharma, gains a great amount of probability on account of the specialization.

That the study of the sacred law had already become a specialised subject before the time of the Dharmasûtras of *Vasishṭha* and *Baudhâyana* is proved by these works themselves, for they mention the *Dharmapâṭhaka* along with those who are acquainted with the four Vedas or the Vedâṅgas, or with Mîmâṁsâ, as members of an assembly or authorities (*Parishad*), by which term clearly a Brâḥmaṇa is meant who had studied the several *Dharmasûtras* of the different schools, because the Dharmasûtra of a particular school, as part of the Kalpa, is already included among the Vedâṅgas. A still further specialisation may be found in Vishṇu Dharma Sûtra where among the *Paṅktipâvanas*, those who would sanctify an assembly, one who has studied only a particular Dharmaśâstra is mentioned along with those, who have studied only one Vedâṅga or the Purâṇas, the epics or grammar. Also the fact that the law-books of the different schools, in the opinion of the commentators and to some extent also in the opinion of the authors themselves, were intended to supplement each other, indicates the early advent of specialists and schools of Dharma, clearly to be traced from the *Dharmajña*, *Dharmavid* or *Dharmapravaktṛ* and *Pariṣhad* of the Smṛtis, from the *Dharmaśâstrin* of Bâṇa's Harṣhacharita and from the *Dharmanibandhakâras* and *Ṭîkâkâras* of the mediæval age-often very eminent persons such as the Pandits and S'âstris formerly attached to English law-courts and to the popular courts of arbitration (*pañch*) of the present day.

In his commentary on Verses 4 and 5 of the Âchârâdhyâya of the Yâjñavalkya Smṛti, the great writer Vijñaneśvara adds एतेषां प्रत्येकं प्रामाण्येऽपि साकांक्षाणामाकांक्षापूरणमन्यतः क्रियते । विरोधे तु विकल्पः। "Of these, although each one by itself is an authority, still when these are in need of being supplemented, that supplementing may be done from elsewhere. In case, however, of a difference, there is an option," (see Collection Vol. II. p. 21, No. 5 on pages 21 and 22). See Jaimini I. 3. 3.

Among the sources enumerated above, have been mentioned the Purâṇas ; and of these, the two great epics contain a mine of ancient learning and wisdom.

The Epics :—If Indian people, inspite of widespread illiteracy, still retain certain traits of their culture, it is because their poetry and folklore, their Râmâyaṇa and Mahâbhârata, their art and architecture lifting the veil from the hidden beauty of the world.

The epics [1] are rooted in India's culture, but are not in any way fettered by it. They deal with problems of ethics and politics and are at the same time great literature. Their incidents and characters are known throughout India as also in Ceylon, South East Asia, Burma and Siam and the Indies. They are carved on the walls of Angkor and in the temples of Java and enacted in the shadow plays of Bali. They are not works of the past, but through the translations in the several Indian languages are alive and active in the life of India. They are told in the homes, chanted in the temples and recited under the village trees. The grandmother tells them to the children, travelling minstrels present them in towns and villages, scholars interpret them, amateurs love to enact them. In these epics we see greatness in spiritual vision and moral teaching as well as in artistry of language and imaginative eloquence.

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[1] Report of the University Commission §§ 45-46.

Appeal of the Epics to the Youth

As these stories come out of the youth of the world, they appeal to all youth. When they are read imaginatively, with an appreciation of the living movement that lies behind them, we feel the intangible quality of our culture which eludes definition and a comradeship is established between the past and the present. The epic literature is a part of the tradition of our race.

If our children are taught their language by means of these stories, they will have pleasure as well as illumination. They will catch something of their perfect sense of form as well as moral inspiration. There is a tendency to over-emphasise the significance of the rational argument. We cannot present ideals in abstract shape to the mass of mankind ; only through concrete illustrations can the ordinary man apprehend them in any real sense. These epics speak to us of the rights of the weak, the lust for power and its nemesis, the problem of reconciliation and atonement for wrong-doing, the triumph of a great victory, the sufferings of the vanquished, the debasement of the victors. If we are to work for a society of human beings as high as human nature allows, we must start with a vision of great and good men. That should be the centre of all education.

Even in college classes a study of these epics, which are a part of our intellectual inheritance, will form what is now called education by great books. We cannot measure the effect on the young minds of these classics, their profound thought, their sublime poetry, something absorbed rather than understood. Their study will broaden the horizons of our students, stabilise their emotions and make them less susceptible to the appeals of those who like to take advantage of the bewilderment of the average man in the presence of violent changes he does not understand. When there is a great empty space in the souls of men, superstitions fill the void. Belief in absolute values seems to be a condition of life. One cannot too often recall the profound words of Pascal: "It is the nature of man to believe and to love; if he has not the right objects for his belief and love, he will attach himself to wrong ones." Great literature enriches the life of contemplation, provides enduring satisfactions and inclines us to the good life.

"Mothers in India know no better theme for imparting wisdom and instruction to their daughters, and elderly men know no richer storehouse for narrating tales to Children, than these stories preserved in the Epics. They have been the cherished heritage of the Hindus for three thousand years; they are to the present day interwoven with the thoughts and beliefs and moral ideas of a nation." R. C. Dutt—The Ramayana and the Mahabharrata.

Jurisconsults:—There is material available in the texts indicative of the existence of persons who had made a special study of the Dharma S'âstra, and which they had made a source of income. They gave opinions, and also worked for the parties in courts, and otherwise; gains so made could be regarded as their self-acquisitions, as will appear from the texts of Kâtyâyana and others cited below.[1]

The Śishṭas:— In course of time, this specialisation must have reached a stage, when their existence as a class had to be given recognition, and the Parṣhat consisting of S'ishṭas was admitted as a distinct source of law, when a solution of a point under consideration could not be reached from the available material such as S'ruti, Smṛti etc. The origin and growth of the Jurisconsults or Veteres under the Roman Law was under circumstances similar to those of the growth of the S'ishṭas.[2]

The degree of importance attained by them and their influence upon the development of law is evidenced in the fact that side by side with the Judge, assessors, and other officers, a

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[1] शिष्यादार्त्विज्यतः प्रश्नात् सन्दिग्धप्रश्ननिर्णयात्। स्वज्ञानशंसनाद्वादाल्लब्धं—
see Smṛtichandrikâ p. 274 ll. 11-26

[2] In this respect the position of the Jurists in Roman Law may be noted with advantage.

Purohita came to be regarded as a component factor in the constitution of a court.

The Sûtras, Smṛtis, the commentaries and the Nibandhas and Prabandhas in particular, are the embodiment of the result of the labours of these Śiṣhṭas. The Science of Interpretation and its constant application has resulted in the methodical development of the law from its original source the S′ruti into the vast field in which it is visible today.

The word [1] **Śíla** has been explained by the commentators of Manu as meaning a decision conscientiously reached when the mind is free from love, hatred and similar influences.

This "self-satisfaction" is meant to be of those only who are learned in the Veda and are good. The idea of this being 'the source of Dharma' is based upon the trustworthy character of the persons concerned. When the learned and the good feel satisfied regarding the righteousness of a certain action, that action must be accepted as right; because such men can never allow anything that is wrong. The older treatises however have explained the meaning of this to be that in case of optional alternatives, that alternative should be adopted in regard to which the man's own mind feels satisfied[2]. There is yet another explanation by which what is meant is that "whenever one is doing anything, he should keep his mind tranquil and calm; and in this sense like *S′îla*, freedom, love and hate, this self-satisfaction also pertains to 'all acts'.

After having thus taken a brief survey of those sources and a comparative appreciation of the most important of them, it is convenient to trace the course of evolution of the Hindu Law as to these several sources by a reference to the stages through which it has passed.

The Evolution of the Sources

The evolution of this branch of Hindu Law is very interesting and instructive. For, while in verse 3 the sources have

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1. शीलं--ब्रह्मण्यतादि रूपं. e. g. ब्रह्मण्यता, सौम्यता.

2, आत्मनस्तुष्टिः

been indicated as commencing with Purâṇa and ending with the Veda, their enumeration in verse 7 as informative sources (ज्ञापकहेतून्) is in the historical order of evolution. In this respect a perusal of the *Tantravârtika* by Kumârila Bhaṭṭa will yield much interesting matter for a comparative study of this evolution. Among the sources, the *S'ruti* has the first place. S'ruti means as expounded in Verse 3 the Vedas with their Aṅgas. Each of the Vedas again are arranged in regard to their contents in the order of Saṁhitâ, Brâḥmaṇa and Upanishads. Thus indicating the fact that even the internal arrangement of the Vedas evidenced a gradual evolution of the sources of rules for the guidance of the common people. The Indo-Aryan Society was not a static body. Their social organization and progress were of a dynamic character.[1] The *S'ruti*, the Vedas, do not contain any direct rules which can be said to be in the form of definite injunctions. At best it consists of what is called *Arthavâdas* to a large extent, even as regards ethical rules, while as regards the rules of *Vyavahâra*, it is only inferentially that any deduction can be drawn. It is in the last stage of the development of the Vedic literature i. e. when the *Upanishads* were being conceived and published, that some approach to definiteness is visible.

The social, moral and religious level of a people is gauged by its literature—the language and particular words and phrases used in a particular sense and particular idioms and traditions in vogue. And in this respect its rules of grammar which are a correct index of its language is of great use. The *Ashtâdhyâyi* of Pâṇini representing the grammar of the Indo-Aryans, and regarded as one of the six *aṅgas* of the Veda is a very important index to the evolution of the Aryan Society, and yields rich results in this branch of study. This will be elaborated in the next topic of discussion about the Fundamentals of the धर्मशास्त्र. When the evolution of the *Varṇas* can be traced from the Sûtras of Pâṇini, giving confirmation to the statement in the Upanishads—such as Bṛhadâraṇyaka &c.

The progressive spirit of the Aryans to adapt themselves to the changing conditions is prominently evidenced in the Smṛtis, whether in the form of the Sûtras or the metrical Smṛtis, or the later Prabandhas or Nibandhas. Each one of these starts with the express avowal of the S'ruti being the paramount authority, and howsoever new the contents of the Smṛti may be, and in a large number of cases entirely bifurcated from the Vedas, still it is the S'ruti which is professed to be followed[1] as the supreme source. The very name Smṛti lends much scope for the widening of the orbit of the Dharma Rules; because evidently their contents are of what was remembered. Memories like the individuals may widely differ from each other, and this difference would not attract any critical notice so long as the expositors of the contents do not disavow their loyalty to the Vedas. The Smṛtis therefore mark the **second stage** in the development of Dharma. With the expansion of territory and the development of the population, the needs of the Society which were once, very small and had a very limited application, correspondingly, grew in their orbit and with this growth is to be seen the **growth of the Smṛti literature.** In the early days when the means of communication were scanty and distances were not shortened, it is not difficult to imagine that these Smṛtis, which were promulgated in different parts of this Peninsula according to the local exigencies and requirements of the people, had a purely local origin and expansion without their coming into close contact with each other. However, although the Smṛtis start with the appreciation of the contents and teaching of the Vedas as authorities on social and legal matters, still it was with considerable hesitancy that these Smṛtis were regarded as conclusive authorities. The grounds for this hesitancy may be summed up in the words of **Kumârila Bhaṭṭa** in the **Tantravârtika** :

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[1] See Fries and Schreider Religions in Various Countries p. 119. There the learned authors appraise as the most ancient characteristics of Hinduism, to be its flexibility, its catholicity, and its hold on the minds and habits of the people.

" Inasmuch as these Smṛtis have emanated from human authors, and are not eternal like the Veda, their authority cannot be self-sufficient. The Smṛtis of Manu and others are dependent upon the memory of their authors, and memory depends for its authority on the truthfulness of its source ; consequently the authority of not a single Smṛti can be held to be self-sufficient like that of the Veda; and yet, inasmuch as we find them accepted as authoritative by an unbroken line of respectable persons learned in the Veda, we cannot reject them as absolutely untrustworthy. Hence it is that there arises a feeling of uncertainty regarding their trustworthy character."

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[1] Cf. ' Equity follows the Law ' *Equitas seguitar legem.*

The Smṛtis were accepted as authority only when the people were convinced that they contained nothing new, or were getting what was wanted by them, and that they only put into a clear and definite language what was prescribed in the Vedas.

The reader may with advantage compare the relative growth of Law and Equity in other systems of Law. What is called *fictio* or Fiction must have played an important part in the further development. Even then, when the rules of pure law are examined as laid down in the Smṛtis, they are purely the result of what is called deductive reasoning or inferential results from stray passages from the Vedas. For example, in regard to marriage, the simile of the sacrificial post and the sacrificial string; so also the passage regarding the distribution of wealth among the sons, also the one about the exclusion of women from Dâya and several others.[1]

After once the authorities of the Smṛtis were established, the mind became accustomed not to look to the other sources to which it was hitherto accustomed to *confine itself*, and then later *on the Purâṇas* also came to be regarded as a useful source for deriving knowledge of the current law especially having regard to the several episodes narrated therein.

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[1] In this connection may be noted the very bold position taken by the two great writers of the Bombay School, in regard to the admission of the 'daughter's son', and the 'sister' into the 'line' of heirs; and although this was done by the method of interpretation introducing into the line of persons who were entirely out of it. It received general acceptance as the innovation satisfied a great want keenly felt.

Thus—(1) The 'daughter's son' was introduced by Vijñâneśvara by a resort to connotation of the word च in the Text of Yâjñavalkya at II. 135 as दुहितरः चैवः चेन दौहित्रोऽपि गृह्यते. II. 135.

(2) So also by a still farfetched method was a place found for the sister by *Bhaṭṭa Nîlakaṇṭha.*; (see V. Mayûkha).

Another factor which must be noticed in this connection is the *application of the Mîmâmsâ* Rules in the interpretation of the Smṛti passages. This process led to the same expansion of the Smṛti Rules by inferential deductions which happened in the case of the S′ruti Rules.

It is instructive to note how the **centre of gravity** of the authority has been **shifiting. In the beginning Śruti** the Revealed Word, was the sole authority ; then came the Smṛti, the work of human beings possessed of transcendental powers ; which in its turn was followed by Âchâra or Custom. Among these, till the time of Jaimini, it was acknowledged that their comparative authority was in the above order ; Smṛti more authoritative than Custom, and S′ruti most authoritative of all; this meant that in cases of conflict between S′ruti and Smṛti the latter had no authority, and in cases of conflict between Smṛti and custom the latter had to be rejected.

This opinion continued to be held till the time of **Śabara** (100 B. C.), — who distinctly asserts (I–iii) that the Smṛti having no authority as against S′ruti, it has to be rejected as valueless whenever it is found to be in conflict with the S′ruti. But by the time of *Kumârilabhaṭṭa* (700–800 A. D.) the position of the Smṛti had so far improved that he demurs to the view which makes any part of it valueless. Having explained **Śabara's** opinion viz. that " no authority attaches to Smṛti texts as are contrary to the direct assertions of the Veda, "—he criticises this view, and goes on to point out that, in the first place, it is not possible that there should be any real conflict between S′ruti and Smṛti, the latter being only an amplification of the former, and secondly, even if such conflict be actually met with, of which no other explanation can be found, the right view to take would be to regard both as equally authoritative, as laying down two optional alternatives, it having been agreed that the Smṛti contains nothing more than what is already contained in the S′ruti, any conflict between the two should be regarded as a conflict between two S′ruti texts of equal authority, and as between a S′ruti text possessed of higher authority and a Smṛti text endowed with inferior authority [1]. "

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[1] विरोधे तु विकल्प.

The (same) sages saw the śruti and likewise remembered the Smṛti.

श्रुतिं पश्यन्ति मुनयः स्मरन्ति च तथा स्मृतिम् ।
तस्मात्प्रमाणमुभयं प्रमाणैः प्रापितं भुवि ॥

cited as a text of मनु in स्मृतिमुक्ताफलम् ।

This position taken up by Kumârila Bhaṭṭa represents the **second stage,** when **Smṛtî came to be regarded as equal** to the Veda in authority.

3. The **next stage** is represented by the **Nibandhas** or **Digests.** In these we find the writers *laying far greater stress on the Smṛti than upon the S'ruti.* This may have been due to the simple psychological reason that they found the Smṛti texts more ready to hand and more easy to comprehend and manipulate than the archaic S'ruti texts; or it may have been due to the actual shifting of the centre of gravity of the authority. For in this stage the S'ruti texts were mutilated in deference to a Smṛti text e. g. in the well-known *Kalivarjya* texts, certain Smṛti texts actually prohibit during Kaliyuga, the performance of Agnihotra, the taking of the vow of Renunciation, and certain other acts enjoined and highly extolled in the Vedas; and the **Vîramitrodaya unhesitatingly** asserts that the direct Vedic injunctions prescribing those texts are set aside by the Smṛti text.[1]

4. Still later on we meet with the dictum that Custom should be regarded as of equal authority to the S'ruti itself; that is to say, in cases where no other authority is available; and subsequently, virile thinking came to regard Custom as being even more authoritative than anything else.

Thus after the Smṛtis comes the **Custom** or **Sadâchâra,** regarded as of equal authority to the S'ruti itself.

" The Custom of a country should receive the first consideration; and in every country its Custom alone should be observed. " At least up to the eighth century, Custom was relegated to a very subordinate position, in fact it occupied the lowest position as authority of law.

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1. परिभाषा पृ. २७.

5. The **next stage** was visualised in the last century after the *establishment of the Courts in British India with Pandit attached. These Pandits relied entirely* upon the **Digests,** not troubling themselves very much over the original S′ruti or Smṛti. In fact, when confronted with texts which actually went against the view held by them on the strength of a certain Digest, they unhesitatingly declared that such a text could not be regarded as authoritative, since it had not been quoted in any digest by any respectable author.

Instances may be cited where the opinions of the Pandits attached to the Courts were influenced more by the usages prevailing around and in conformity with which the Nibandhas or Prabandhas were composed and published and in many cases in supersession of the Texts of either the S′rutis or the Smṛtis, a fact showing that in the matter of authority for the law, the sentiment had all along been keeping pace with the changes in the popular opinions; and *Parâśara* in his Smṛti as also *Manu*[1] and other writers expressly declare to the same effect.

" The dharmas for men in the Satyayuga are other than those in the Tretâ and the Dvâpara ; and in the Kaliyuga also they are different ;

" The Dharma of each Yuga is keeping with the distinctive character of that age, " he says that " the difference in Dharma is due to ' the gradual decay evinced in the character of the people of each age. "

[2]**Âpastamba** expressly declares that the " Convenant of those who are conversant in law has authority as the Vedas have. " These changes in law as adapted to the changing conditions of the times were enforced by the then ruling authorities, before the establishment of the British Rule in India.

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1. अन्ये कृतयुगे धर्मास्त्रेताया द्वापरेऽपरे। अन्ये कलियुगे नृणां युगह्रासानु पतः ॥ १।८५
2. धर्मज्ञसमयः प्रमाणं वेदाश्चेति (धर्मसूत्रे १-१२-३)

It will appear from a general survey of the Smṛtis and Sūtras that the earlier ones addressed themselves almost entirely to *Âchâra* and *Prâyaśchitta* which was also part of *Âchâra* or general conduct, and that matters of secular interest involving rights at law or what is described as *Vyavahâra* occupied a very small portion. It is only in the metrical Smṛtis beginning with *Manu* that we have a separate portion devoted to the consideration of matters legal or Vyavahâra. *Yâjñavalkya* divides his Smṛti into three parts; while Manu has devoted two chapters and small portions of others to this subject. Several reasons have been given for this disparity as to the subject matter in the statement by the authors; but it would be enough to remark that the Indo-Aryans did not regard man and his developments in the several activities in watertight compartments. They strongly held that it was the mind which was the central force behind all the activities of an individual for which and to which all rules are meant and addressed. It is enough to say that these rules whether of Âchâra, Vyavahâra or of Prâyaśchitta had a living force so long as the authority enforcing these felt itself bound by them; for it is a general rule, that law (धर्म) without the proper sanction (शास्त्र) to enforce its observance would not be worthy the name of Law or Dharma.

"In India, as in other oriental countries, the law (Vyavahâra) is an integral part of religion and ethics (Dharma), and the law-books (Dharmaśâstras) therefore offer us overwhelming data about religious purification and penance, prayer and sacrifice, prohibitions about food and drink, punishment in hell and rebirth, philosophy, eschatology, creation, funeral ceremonies and sacrifices to the dead, the study of the Veda and asceticism, the manner of living and customs of Brâhmaṇas and Kings, and other things which we do not generally expect in a law book. Many *Dharmaśâstras* give nothing at all about law proper and only a few later compilations such as the *Nârada Smṛti* may be called purely juridical works." Jolly p. 1.

To sum up, the net result of this rather long discussion about the sources of Hindu Law and their evolution is that, starting from the S'ruti or the Veda as the original source which by common assumption has its position unchangeably fixed, a gradual evolution of the law from its original form into the latest, right upto the present day, has been made possible by a resort to interpretation and fiction which were impressed into service for bringing the original letter of the Law into conformity with the growing sentiments of the people. Indeed although the Vedas cannot afford material as containing any positive injunction on any certain point, still the later rules of law could be traced to their origin in the Vedas.

Having thus far stated the several sources in their chronological order and discussed their evolution as binding authorities, the last topic to be noted is their (A) Territorial Jurisdiction and (B) their application to persons.

A--As regards their Territorial jurisdiction, the orbit of their application expanded along with the expansion of the Aryan influence and sway, as will be seen from the following brief summary of the Texts on this point :

The several stages of expansion have been summarised in the following text of **सुमन्तुः**

ब्रह्मावर्तः परो देशो **ऋषिदेश**स्त्वनन्तरः। **मध्यदेश**स्ततो न्यूनः **आर्यावर्त**स्ततः परः ॥
and Manu adds a fifth called **याज्ञिक.**

कृष्णसारस्तु चरति मृगो यत्र स्वभावतः । स ज्ञेयो **याज्ञिको** देशो म्लेंच्छदेशस्त्वतः परः ।
अ. २ श्लो. २३.

and Yâjñavalkya also : यस्मिन्देशे मृगः कृष्णस्तस्मिन्धर्मान्निबोधत ॥ आचारे २
also वसिष्ठः " यावद्वा कृष्णमृगो विचरति १।१३.

These limitations were gradually contracted and in course of time were practically abolished by extending it to the regions watered by the holy Ganges ; and *Vishnudharmottara* rounds up thus : प्रभासे पुष्करे काश्यां नैमिषेऽमरकण्टके । गंगायां सरयूतीरे निवसेद्धार्मिको द्विजः ॥ **व्यास** also : अंतर्वेदिं मध्यदेशं ब्रह्मावर्तं च यज्ञियम् । मिश्रकं सरयूतीरं पुष्करं नैमिषं तथा ॥ देशानेतान्निवासाय संश्रयेरन् द्विजातयः ॥

and the Author of the स्मृतिचंद्रिका adds द्विजातिग्रहणं शूद्रस्यापि प्रदर्शनार्थम् citing Manu II. 24. शूद्रस्तु यस्मिन्कास्मिन्वा निवसेद्वृत्तिकर्शितः।

These regions have been thus particularised, मनु २.

सरस्वतीदृषद्वत्योर्देवनद्योर्यदन्तरम् । तद्देशानिर्मितं देशं ब्रह्मावर्तं प्रचक्षते ॥ १७ ॥
कुरुक्षेत्रं च मत्स्याश्च पञ्चालाः शूरसेनजाः । एष **ब्रह्मर्षिदेशो** वै ब्रह्मावर्तादनन्तरः ॥ २९ ॥
हिमवद्विन्ध्ययोर्मध्यं यत्प्राग्विनशनादपि । प्रत्यगेव प्रयागश्च **मध्यदेशः** प्रकीर्तितः ॥ २१ ॥
आसमुद्रात्तु वै पूर्वादासमुद्राच्च पश्चिमात् । तयोरेवान्तरं **गिर्योरार्यावर्तं** विदुर्बुधाः ॥ २२ ॥

As regards persons, every one who

(1) follows the Vedas and owes allegiance to them is entitled to the rights and privileges, and is subject to the injunctions stated in the Vedas.

On the analogy of the Territorial expansion, it has been held that Hindu Law is a personal Law ; every Hindu carries his personal law with him and he is bound by its provisions.

The word Hindu also has received peculiar expansion, and it has come to the stage of including every one who regards himself a Hindu and is governed by Hindu Law.

Fundamentals of Dharma-Śâstra

Thus having examined the meaning and extent of the expression **Dharmaśâstra**, its denotation and connotations, and having noted the sources, and taken a short resume of the evolution of these, now the principles and the objectives, i. e. the **fundamentals of the Dharma-Sâstra** may now be stated and discussed.

These consist of the following quadrets, viz.

(1) the four classes or **Varṇas**
(2) the four stages of life or **Âśramas**
(3) the four **Purushârthas** (पुरुषार्थs).
(4) the ultimate object to be gained, i. e. the end to be achieved, viz. मोक्ष.

These will necessitate a brief discussion of the Institutions of the Varṇas, Âśramas and the Arthas.

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1. [1] The four **Varṇas** are the (1) Brahma, (2) Kṣhtra, (3) Vaiśya and (4) S'ûdra.

2. The four Âśramaṣ are (1) the celibate student's (Brḥmacharya) (2) The Householder's (Gârhasthya) (3) The Hermit's (Vânaprastha) and (4) the Ascetic (Sanyâsa).

3. The four means or *Puruṣhârthas* are (1) Dharma, Artha, (3) Kâma, and (4) Mokṣha.

and the

4. Ultimate object to be secured is **Mokṣha**—absolution, complete liberation from recurring birth and death (*saṁsâra*) by assimilation with the Infinite.

Generally

Dharma and **Ṛṇa** are the essential data underlying the Âśramas. The Vedas, and particularly the **Upaniṣhads** have clearly brought out these two hypothesis. [2] According to these authorities, there was Brahma in the beginning i. e. the Society was one single unit, without any distinction by class etc. Its own occupations were divine worship and sacrifice. This **Brahma** operating in this manner was found to be inadequate to meet the requirements of the Society, and therefore *Kṣhatra* was introduced. This **Kaṣhatra** itself was the administrative agency. That also was found to be insufficient to meet the wants, and a wider class came to be evolved viz. the **Viśa** to cater for the economic needs of the society ; and when these three also were found to be not enough. the fourth, the **Śûdra** class came up—This class represented that which catered for the needs of the society by their manual labour ; and when the inauguration of these four classes was found to be insufficient to establish an orderly rule, the **Dharma** principle came to be recognized. It is this principle which established order and stability in the Society. This *Dharma* is *Ṛta* which is the same and the twin of **Satya** or truthfulness.

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[1] ब्रह्मक्षत्रियविट्शूद्रा वर्णास्त्वाद्यास्त्रयो द्विजाः ॥ Yâj. 10.

[2] See the पुरुषसूक्त. बृहदारण्यकोपनिषद् अ. १ ब्राह्मण ४
ब्रह्म वा इदमग्र आसीदेकमेव तदेकꣳसन्न व्यभवत्। तच्छ्रेयोरूपत्यसृजत क्षत्रं ॥
स नैव व्यभवत्स विशमसृजत यान्येतानि देवजातानि गणश आख्यायन्ते
वसवो रुद्रा आदित्या विश्वे देवा मरुत इति। (१२)

स नैव व्यभवत्स शौद्रं वर्णमसृजत। पूषणमिमं वै पूषेयꣳहीदꣳ सर्वं पुष्यति यदिदं किंच (१३)
स नैव व्यभवत्तच्छ्रेयोरूपमत्यसृजत धर्मम्। तदेतत्क्षत्रस्य क्षत्रं यद्धर्मात्परं नास्त्यथो
अवलीयन्वलीयाꣳसमाशꣳसते धर्मेण यथा राज्ञैवम् यो वै स धर्मः सत्यं वै तत् तस्मात् सत्यं
वदन्तमाहुर्धर्मं वदतीति धर्मं वा वदन्तꣳसत्यं ववतीत्येतद्ध्येवैतदुभयं भवति. (१४)

The conception of Dharma in the Mahâbhârata (See शांतिपर्व १८८, १८९) is based on this primeval vedic idea. This conception of Dharma has a wider orbit, and incorporates all kinds of activities of the people. The Dharmaśâstra, therefore, regulates the actions of mankind in all kinds of their activities. As observed above, there is no water-tight bifurcation of a person's behaviour in his capacity of a member of a family, from his status as a citizen, a member of the body politic, or as functioning in one or more of its branches of activity. " The social constitution, as manifestation of *Varṇa* and *Âśrama* is for the Hindu an aspect of *Kriyâ* (क्रिया), meaning under the *Nyâya* philosophy – the active aspect of consciousness. Another aspect of *kriyâ is* in the ceremonies of exhotic and established religions " Dr. Mees.

Clearly associated with this conception of Dharma is that of *Ṛṇa* or debt and the theory of the *Âśramas* is based upon this fundamental assumption, according to which every individual owes debts or obligations to the Society commencing from the pre-natal period and carried on right upto death. Upon this is based the elaboration of the Saṁskâras or Sacraments from ' conception to the cremation '[1].

It is a matter of general experience, and therefore assumption, that no society can carry on mutual transactions among its members without the general practice of exchange i. e. the haves allowing the nohaves the benefit and use of what they have. It is this theory and practice of exchange in which lies the origin of this **doctrine of Ṛṇa.** If A has wheat and he wants

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1 निषेकाद्याः स्मशानान्ताः.

gram, and if B who has gram has not wheat, the owners of gram and wheat may exchange. But when A the owner of wheat has no gram, and B the owner of gram has also gram and wheat, it gives rise to the practice of a mere debt (loan), B may accommodate A with gram but simply as a loan and not as a completed exchange.

This is the origin of the **Ṛṇa**, and the Aryan theory of **Ṛṇa** is well stated in the three kinds of Ṛṇas viz. Devarṇa, Pitṛṛṇa and Manushyarṇa. The means by which the affairs of the world can be carried on being supplied by the divine power, every citizen of this world owes a debt or obligation to the power which makes it possible for the citizen to carry on in this world. On the same lines is the **Ṛṇa** to the *Cultural Ancestors* on account of the tradition of whose culture the members of the society are enabled to carry on a cultural life and add to it. Developing the same theory further on, a direct obligation exists towards the *Pitṛs* or ancestors. This term not only includes the direct or first line of progenitors, but the long and uninterrupted continuous line of ancestors to whom an individual owes his lineage. This doctrine of Ṛṇa has been indicated in the Taittirîya Samhitâ[1], according to which an individual who is born carries with him three debts or obligations, viz. to Gods, to the Ṛshis, and to the Pitṛs i. e. ancestors. These debts are directed to be repaid by three kinds of actions viz. the debt to the Divinities by Sacrifices of various kinds, the debt to the sages by the constant study, and that to the Pitṛs by entering the householder's stage i. e. by marriage which is the first stage in perpetuation of the lineage, and the last is the debt or obligation to mankind. This threefold obligation is further elaborated into five. These several kinds of debts form one of the fundamental basis on which Dharmaśâstra is based.

The doctrine of Âśrama has been found to have been set out in the छांदोग्य Upanishad[2] where three Âśramas have been stated. These have been designated as **Dharmaskandas**[1] (three **branches** of **Dharma.**) i. e. the tree of Dharma has three branches **viz. Âśramas.** These have been stated as **Gṛhasthâśrama** (Householder's Âśrma), **contemplating** sacrifice (**Yajña**), study of the Vedas (**Adhyayana**), and **Dâna** (Donation). This has been described as the first branch. The second is of **the Celibate student's** (Brahmacharya) carrying on education at the residence of the Âchârya, and the third, residence at the preceptor's Âśrama. These are all the sources of religious merit which secure absolution. The fourth i. e. **Sanyâsa** is according to some **implied in the Vânaprastha** (Hermit's,) but it has been stated separately in the Bṛhadâraṇyaka, Nârâyaṇa and Jâbâla Upanishads.

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[1] तै. सं. ६. ३-१०. ५ जायमानो वै ब्राह्मणस्त्रिभी ऋणर्ऋणैवा जायते ब्रह्मचर्येण ऋषिभ्यो यज्ञेन देवेभ्यः प्रजया पितृभ्यः एष वा अनृणो यः पुत्री यज्वा ब्रह्मचारिवासी. See also *Manu* III. 69-70 and तैत्तिरीयारण्यक सहवै II. 10. And Vasishṭha XI. 48.

[2] अनाश्रमी न तिष्ठेत, गुरवे तु वरं दत्वा स्नायीत आचार्यप्रिय धनमाहृत्यः ।

In the theory of the Purushârthas which in the first place started with three and developed into four as stated above, is the central ideal or objective of life according to the Dharmaśâstra. The earlier works did not in terms refer to the fourth i. e. Moksha (absolution). Its mention is found to have been made in the Âpastamba Sûtra.

This theory of Purushârtha is very important as an aid to an orderly development of civic life. In the light of what has been stated above, it would be realised that there is a closely connected continuous link between the several Purushârthas which commencing with the first stage of responsibility in a person's line i. e. after the initiation or Upanayana, is described as carrying him through an orderly advancement in his worldly transactions and ultimately to the attainment of absolute freedom from Saṁsâra.

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[1] त्रयो धर्मस्कन्धा यज्ञोऽध्ययनं दानमिति प्रथमस्तप एव द्वितीयो ब्रह्मचर्याचार्यकुलवासी तृतीयोऽत्यन्तमात्मानमाचार्यकुलेऽवसादयन् सर्वे एते पुण्यलोका भवन्ति ब्रह्मसंस्थोऽमृतत्वमेवेति (छान्दोग्योपनिषद २-२३१) नैष्ठिकब्रह्मचारी उपकुर्वाणः.

See for example Manu, (Chapter II. 25-28).

Further, an elaborate discussion and disquisition will be found to have been made in the Mahâ Bhârata, in the works of Arthashâstra, for example by Kauṭilya, and also in the Kâma Sûtras.

Generally speaking and without a detailed specification, **Dharma** means pure conduct in conformity with the principles of ethics and morality. **Kâma** is conduct carried on utilitarian lines, but not opposed to Dharma [1].

As regards **Artha**, a more elaborate discussion is necessary, and the publication of the well-known work of Kauṭilya on Arthashâstra has made available much useful material for taking an elaborate view of the principles of Arthashâstra. The publication of Kauṭilya's Arthashâstra has opened a new field of research in the principles of Dharmashâstra. Taking a comparative view of the principles of Dharma, pure and simple, with other allied branches of its activity and orbit-comprehending Nîtishâstra, or Arthashâstra has been styled Cameralism by a comparative view of the doctrine propounding the same principles in the West. The term cameralism used in India is stated to comprehend the Dharmashâstra, Arthashâstra and Nîtiśâstra and portions of the two great epics dealing with these topics. Ordinarily Dharma and Nîti have been equated with law and politics The work of Kauṭilya, it will be seen, is a treatise on Political Science in which as in Montesque's Spirit of the Laws, economics has also a place though a subordinate one; but the works of Dharmashâstra and Arthashâstra are closely interrelated, for though Manusmṛti will be found to rank as a classic of social science, the major treatises of Dharmashâstra and Arthashâstra continue to be identified as works on law and Politics. It has been suggested that an essential difference exists between Arthaśâstra and Dharmaśâstra in that, while the Dharmaśâstra rests its teachings on Veda, the Arthaśâstra inculcates principles independently or sometimes in opposition to Vedas. This is not correct.

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[1] धर्मविरुद्धः कामः BhagvatGita ;

In this respect, the lectures delivered under the auspices of the Calcutta University as special readership—lectures by Prof. K. V. Rangaswamy Ayengar making an elaborate examination of the principles of Arthashâstra may with advantage be studied. In the short time at our disposal for these lectures, a simple reference to that series will be enough as a guide for further study.

The Dharmasaṁhitâs like those of Manu and Yâjñavalkya contain to a large extent the doctrine of Arthaśâstra. For example the Râjadharma or the duties of the king and the principles of Civil Government and Daṇḍanîti or principles of Penalogy which are elaborately treated in Arthaśâstra have also been given not a negligible space in the works on Dharmaśâstra and the more ancient works of Gautama, Âpastamba and Baudhâyana Sûtras also make a reference to the principles of Arthaśâstra, and their elaborate treatment in the metrical Smṛtis evidence that they must have been taught along with Dharmaśâstra in the Institutions. According to Kauṭilya's Arthaśâstra, Government (**Daṇḍa**) is necessary for the existence, and functioning of philosophy, the traditional faith and economic occupation. The science which regulates it is *Daṇḍanîti*. The ordinary business in life is rooted in Daṇḍanîti. He who aspires to lead a normal life should uphold Government. **Vârtâ** (the Economics of Agriculture, Industry and Trade) comes within Daṇḍanîti. Kauṭilya holds that the Earth is of concern only because it is the home of men, that the preoccupation of men is with the pursuit of wealth and wellbeing, and that the function of Arthaśâstra is therefore to lay down the methods of acquiring and safeguarding the populated earth.[1] Thus, *he would stress the politico-economic aspects in* **Daṇḍanîti,** the economic aspect in **Vârtâ,** and over and above both of them, the **political aspect** in Arthaśâstra. In his days, Daṇḍanîti was a part of Arthaśâstra, while in later times (possibly under the influence of Bṛhaspati, who claimed it to be the only relevant division of knowledge) it came to be equated with Arthaśâstra.[2]

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[1] मनुष्याणां वृत्तिर्थः । मनुष्यवती भूमिरित्यर्थः । तस्याः पृथिव्याः लाभपालनोपायः शास्त्रमर्थशास्त्रम् (अ. शा. ४२४). XV.

[2] वार्ता दण्डनीतिश्चेति बार्हस्पत्यः । अ. शा. II. 1.

[1] **Sukra** defines Arthaśâstra as the science which deals with the rational acquisitions of kings in ways harmonizing with the Scriptures. Between Kauṭilya's conception of Arthaśâstra and S′ukra's, there is this point to distinguish. Kauṭilya does not import conformity to the Scriptures into his definition, though the whole spirit of his teaching is to suggest it; Sukra enunciates it explicitly. This may be explained as showing that the attacks on the Scriptures in the time of the later writer necessitated an emphasis of their binding authority.

For a more elaborate appreciation of Arthaśâstra, a reference may be made to the lectures referred to above.

The mention of eighteen teachers of schools in discussions in the Kauṭilya might suggest that there were even more writers and schools than those explicitly named, who had dealt with Arthaśâstra long before Alexander's invasion. The references suggest periods of intense intellectual activity comparable to, though not necessarily contemporaneous with, the ages in which, from the discussions on religion and philosophy contained in early Upaniṣads, arose Buddhist and Jain thought, as well as the orthodox systems of philosophy (Darśanas). It is evident that the Indian mind was not so preoccupied with matters spiritual, that secular studies, which were no less required for normal life were neglected. The literary traditions of the evolution of Dharmaśâstra and Arthaśâstra in parallel streams, after their initial divine exposition, denote the conditions of scholastic activity, which obtained in periods of intellectual fermentation.

A feature which Arthaśâstra and the Dharmaśâstra share with western Cameralism, is the composite character of their contents. Whether we believe that this was because the component sciences were in too crude a stage to develop into separate sciences, or that their amalgamation was of deliberate choice, the fact that they were studied only in association with each other must be admitted. The encyclopædic trend of Indian Schools of thought, induced the founders of every school to compose treatises on all branches of knowledge, in conformity with the fundamental principles of their respective schools. The importance of this hypothesis is illustrated by the discussion in the Kauṭîliya on " what constitutes relevant knowledge " (**Vidyâ**). The opinions cited range from those of the traditionalists, who brought under knowledge all sacred and secular lore, to the uncompromising rationalist and realist, who recognized only a single relevant science, namely that of society. ' Under this hypothesis, the attribution to writers with identical names of subjects as different from each other as Law, Politics, Economics, Grammar, Erotics, and Chemistry, might justify at least a re-examination of their disparate origin.[1] The possibility of such comprehensive schools of thought is strengthened by the absence of any term in ancient Indian literature, which has the exact sense of religion and of the inability of an ancient thinker to make the distinction which occurs to us today so readily, between secular and religious knowledge. The penetration of secular influences on scientific thought, and the influence of philosophic and religious ideas on what would now be called secular opinion, were more common in ancient India than is commonly imagined. Abundant illustration of this fact will occur in a study of our old social literature, when it is viewed in comparison with western Cameralism.

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[1] श्रुतिस्मृत्यविरोधेन राजवृत्तादिशासनम् ।
सुयुक्त्यार्थार्जिनं यत्र ह्यर्थशास्त्रं तदुच्यते ॥ शुक्र नी. सि. ४-३-५५.

The Bhârata culture has developed on the basis of the Dharma and *Ṛṇa* ideas and the three Purushârthas. The Ṛṇa principle evidences the consciousness of moral obligation and the Purushârthas indicate the rights and obligations of individuals. The individual has necessarily to respect the restrictions of duty as a result of the heritage he acquires from Society. The benefits derived from the society give rise to a sense of duty.

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[1] आन्विक्षिकी त्रयी वार्ता दण्डनीतिश्चेति विद्या...साख्यं योगो लोकायतं चेति आन्विक्षिकी...धर्माधर्मौ त्रय्याम् I. 2.,

सामर्ग्यजुर्वेदास्त्रयः त्रयीं । अथर्वदेतिहासवेदौ च वेदाः। अ. शा. I. 3.

The development and maintenance of one's career by the ancestors instil a sense of duty for continuing the same treatment to one's progeny. Thus, the sense of a moral duty is itself the *Dharma Purushârtha* (a source of obligation ऋण).

The word *Adhikâra* (अधिकार) as used and its implications bear strong testimony to the high level reached by the *Bhâratîya* culture. That word combines in itself the ideas of rights and duty, privilege and obligation, and similar ideas inseparably linked together, so that one cannot think of a right without the corresponding duty. That a person is *entitled* to a *privilege*, and that he is also under an *obligation*, are both expressed by the word अधिकारी. The same idea underlies the injunctions laid down in regard to all the branches of human activities [1].

Varṇa (Class), and **Jâti** (Caste)

This is the most important chapter in the development of Aryan Civilization. Hinduism has imparted to the whole of India the strong and stable cultural unity that has through the ages stood the shocks of political revolutions, being preserved in its own peculiar system of Local Self-Government, functioning apart from and offering a view point of contact with the state whether indigenous or foreign. In India the village was recognised as a self-governing republic with a complete apparatus of local institutions for the conservation of indigenous culture, unaffected by political changes at the top of the Central Government. The theory of *Varṇâśrama* evolved from the thought world which knew Ṛta—'the world order', and *Purusha* 'the cosmic man'. Social philosophers and scholars have found in the Varṇâśrama system of India the chief central forces for the preservation of this unity. In fact the combined forces of the three quadrets viz. the four Varṇas, the four Âśramas, and the four Arthas make up for what is known as the **Hindu Civilization.** It is the cornerstone of what is known as the Dharma.

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[1] Thus e. g. ऋक्थग्राह ऋणं दाप्य: As it is put in the Marathi language मनुष्य जसा मानाला तसाच शिक्षेलाही अधिकारी असतो.

This **Dharma has two sides** which are inter-dependent, the **individual and the social.** The **Varṇâśramadharma** deals with the **Classes of the Society** and the stages of the individual life developing the details. The **Caste rules** relate to the social **functions of individuals.** The divisions of the people by Varṇa and Jâti i. e. the colour and birth, may very likely have an *ethnic origin*; *such divisions* were *not uncommon* among the *ancient people.* For example, the Awilun (noble) and Mushkenum (lower class) among *Babilonians*, or the Athravas (priest), Rathaeshas (warriors etc.), among the *Iranians*, or Eupatrids (nobles), the Geomore (husbandmen) and the Demiurgi (Articians) among the *Athenian Greeks*, and also the Patricians and Plebeians among the *Romans* may be compared. With the advance of time, however, there may have been intermarriages between the two which may have led to the further distinction resulting into four varṇas. Thus even within the Vedic period, there is evidence of the division of the people into four varṇas as the last Maṇḍala of the Ṛgveda testifies.[1]

The authorities bear out the prevalence of the Châturvarṇya system as distinct from the original distinction of Varṇa and Jâti, but the diversity of colour and the variety of birth did not prevent the Vedic Aryans from regarding the whole population *as one entity.* Howsoever divided they may be, still they were parts of one organisation, and it is this consciousness which has enabled the Hindu Civilization to retain its own characteristics under the innumerable onslaughts from within and without, the instinct of assimilation and the tradition of elastic adjustment to the changed circumstances, that without detriment to the fundamentals has enabled the Indo-Aryans to buffet and survive the onslaught of millions of outsiders from the barren bleak regions beyond the world renowned mountains attracted by the green valleys of this God-favoured Peninsula.

In this connection may be noticed the remarks of Sir George **Birdwood**, who with rare insight into Indian life and Society, writes of the ideal which the caste system represents in glowing terms. He observes :

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[1] See also the Bṛhadâraṇyakopanishad I. 4.

"We trace there the bright outlines of a self-contained, self-dependent, symmetrical, and perfectly harmonious, industrial economy, deeply rooted in the popular conviction of its divine character, and·protected through every political and commercial vicissitude. Such an ideal social order we should have held impossible of realisation, but that it continues to exist, and to afford us, in the yet living and the strongest form known of trades union." More weighty and also more recent is the tribute paid by Prof. Patrick Geddes, the eminent sociologist, when he presented caste in his "Dramatisations of History" as "the characteristic achievement of India in the Social field". 'The four great castes', he writes, 'not only India but every other civilisation has more or less developed'. S'ûdras and Vais̀yas labourers and merchants are the ones mainly developed in western lands. Yet we have also been increasingly developing the culture caste of the universities; while our public schools have especially endeavoured to provide a courage caste, with its ambition turned from gain or learning towards an ideal of rule." That the original fourfold caste has degenerated into a multitude of meaningless groups, and that a radical cleaning is urgently needed noboby denies. But there is no justification for the denunciation of the ancient institution which has been of inestimable service to Society.

However, the distinction into varṇas was more by regard to the individual characteristics than by regard to birth as may be gathered from the authorities from which a few quotations also may be given:

The Yâjñavalkya Smṛti devotes seven verses to this question, of which the first and the last deserve to be noticed; the rest are only an elaboration of the details. [1] The first i. e. verse 93 lays down that "Children born of a union between members of the same varṇa are called Sajâtis" i. e. of the same Jâti. The sons who are born of marriages which are not unapproved, contribute to the perpetuation of the lineage. The most important however is the last verse which enunciates a very important principle regarding the evolution of classes. It lays down the principle

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1 सवर्णेभ्यः सवर्णासु जायन्ते हि सजातयः। याज्ञवल्क्य आचारे ९३

that by a progressive advance of the union higher and higher, issue in the end i. e. at the fifth or the seventh generation would reach the highest point, and conversely by a successive union with lower orders, the issue would be going lower and lower [1]. The Author of the Mitâkṣharâ makes this clear by an illustration.

A child begotten upon a S'ûdra woman by a Brâḥmaṇa is called Nishâda ; such a one, however, when wedded to a Brâḥmaṇa giving birth to a daughter, and that daughter also wedded by a Brâḥmaṇa would give birth to another daughter. In this way, the sixth gives birth to a Brâḥmaṇa as the seventh issue.

The Mahâbhârata [2] also gives instances of persons other than Brâhmaṇas having been admitted to the rank of the Brâḥmaṇa viz. Arṣhṭis'eṇa, Sindhudvîpa, Devâpi and Vis'vâmitra.

In these and several other passages it has been made quite clear that *varṇa* was fixed by birth ; but that an appreciation or depreciation of the status may be secured by one's own conduct, and thus played an important function in the shaping of character. This flexible code of special discipline which brought unity and diversity, tended to degenerate into a watertight set of rules based on birth, and not on character and conduct, thus striking at the very root of the dynamic force of the Society, and reducing it to a state of stagnation and inanity leading to demoralisation.

Paradoxical as it may seem, the system of caste is the outcome of tolerance and trust. Though it has now degenerated into an instrument of oppression and intolerance, though it tends to perpetuate inequality and develop the spirit of exclusiveness, these unfortunate happenings are not the central motives of the system. If the progressive thinkers of India had the power, as they undoubtedly have the authority, they would transform the institution out of recognition.

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[1] जात्युत्कर्षो युगे ज्ञेयः पञ्चमे सप्तमेऽपि वा। व्यत्यये कर्मणां साम्यं पूर्ववच्चधिरोत्तरम् ॥९६॥

[2] Among societies governed by the Patrinial rule the child's Varṇa was that of the father : Thus :

शंतनु-गंगा-भीष्म (क्ष); पराशर-मत्स्यगंधा—(ब्रा); शंतनु—मत्स्यगंधा विचित्रवीर्य (क्ष); विश्वामित्र-मेनका (शकुंतला)--(क्ष) ; ययाति-देवयानी यदु-(क्ष)-शर्मिष्ठा द्रुह्यु (क्ष) ; जरत्कारु-जरत्कारी (नाग)-आस्तिक (ब्रा).

The fourfold scheme of the social classes of the varṇas is democratic in the truest sense of the word : (1) It insists on the spiritual equality of all men. It assumes that within every human creature there is a self which has the right to frame in its own way, to find itself, and make its life a full and satisfied image, and instrument of its being. (2) It makes for individuality in the positive sense. Individuality is attained not through an escape from limitation, but through the willing acceptance of obligations. (3) It points out that all work is socially useful, and from an economic standpoint equally important. (4) Social justice is not a scheme of right, but of opportunities. It is wrong to assume that democracy requires all men to be alike. Equality refers to opportunity and not to capacity. While it recognises that men are unequal in scale and quality, it insists that every human being shall have the right and the opportunity to contribute to human achievement, as far as his capacity goes. Society must be so organised as to give individuals sufficient scope to exercise their natural energies without being interfered with by others. (5) The essence of democracy is consideration for others. Freedom for the individual means restrictions on absolute power. No one class can make unlimited claims. (6) The general tendency of men of all classes to strive for the summit is due to the impression that the position at the top is one of pleasure, profit and power. But in the Hindu Scheme, life becomes more difficult as we rise higher. [1]

There are respectively five conceptions of *Varṇas* viz. racial, cultural, professional, symbolical and occult. The result of its daily operation in India, a proof of the superiority, in so many unsuspected ways, of the hieratic civilisation of antiquity over the secular, joyless, inane and self-destructive, modern civilisation of the west.

And further, " the spiritual beliefs in which the Indian people rejoice have transformed their trades' union organisation into a veritable *civitas dei.* "

Birdwood was an enthusiastic admirer of Indian life, and institutions. Making every allowance for his enthusiasm, there is much solid food for thought by framers of modern social security plans. The essence of caste, with which is closely linked the family, is that each community looked after all its members, its children, and its infirm and aged. All modern social security plans require an extensive and elaborate bureaucracy to work them. The Indian system was automatic. Even to-day, when modern individualist economy has made tremendous strides, the amount of social service provided by the State in British India is very small as compared with the countries of Europe and America.

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[1] See e. g. Manu Ch. VIII, 338-339 and the Commentary of Medhâtithi thereon.

If India gave up caste, he thought, " the county would become one vast East End of London. " Birdwood was not alone in his appreciation of the purposes served by caste. Meredith Townshend, no admirer of Hindus or Hinduism like Birdwood, wrote of it in his Asia and Europe : "I firmly believe caste to be a marvellous discovery, a form of socialism which through ages has protected Hindu society from anarchy and from the worst evils of Industrial and competitive life. It is an automatic poor law to begin. "

The चातुर्वर्ण्य of the Four Varṇas

The ancient Hindu theory of the " four natural classes (Châturvarṇya) did not apply only to Hindu Society in ancient days. The old Hindu sages who devoted their thought to social life were far wiser than we now think. After a critical study of the ancient Hindu theory and ideals of class, one has to come to the conclusion that we must pay the theory of Châturvarṇya the compliment of looking upon it as a universal class theory. It is certain that the Hindu sages looked upon it like that. In various *Purâṇas* in which all the constituents of this world and their peoples were described, it was stated most emphatically that among all those peoples there was a fourfold division of classes corresponding to that of the four natural classes in India (Varṇas). This impression of Universality we gain also from, for instance, the Gîtâ and the Bhâgavata-Purâṇa. Many writers also stress the universality of the theory of Varṇas, e. g. Dr. Ketkar who goes as far as to stress that there was really no Hindu dharma, but only Mânava-dharma, Dharma of man. *Varṇa* as well as *Dharma* are, of course, both universal principles, they are discoveries and not inventions of the Hindus. Neither conception can very well be considered apart from the other. Various ancient nations knew Dharma in its fundamental aspect. The Jews knew it as Tsedaka, the Greaks as Dike, the Romans realized it probably in the early conception of Fas, the Chinese knew it as Teh. This last word is even related to the word Dharma.

To " Hindu-dharma " however, as well as for instance to " English-dharma " or " Chinese-dharma " must also be given a place. It is not universal dharma, neither is it mere Hindu common law and custom, but in the organic world relation it is the special cultural contribution of Hinduism to the culture of the world. " Hindu Dharma " can be seen only in an international light. For Hindus in India there is only Mâuava-dharma (human dharma) which is exactly the same as that of Englishmen in England or of Chinese in China.

To return to the Varṇa-theory as a universal theory, it is interesting that even the fourfold hierarchical division is a universal phehomenon. In *ancient* as well as in *modern civilizations* there is fundamental fourfold class-divisions into 1. labour classes, 2. middle classes, and 3. " higher " classes, consisting of mainly two groups, one of higher Government servants and business magnets, and the other of the educational classes and the priest-hood. Even in *Soviet Russia* four classes are again recognized ; Peasants, Soldiers, Intellectual workers and Manual workers. Most of the theories of class, therefore, propound the existence of four basic classes in human society.

The ancient Persians (Iranians) had four classes which corresponded to the four classes of the ancient Hindus. Also many other ancient civilizations had a social division of four classes. Of the more important of the theories of class outside of the Hindu theory which we shall consider last, we have to mention the theories of Plato and Aristotle. Plato compared the state to the human soul, Aristotle more appropriately compared the state to the human body. This is the organic picture of society to which I shall revert at length. Both saw four fundamental classes. Sometimes five, but then the two lowest could easily be taken as one.

The great *Abdul Fazl* in the wonderful introduction to his 'Ain-i-Akbari,' perhaps inspired by Hindu teachings, perhaps by Plato or Aristotle, perhaps by both, also divides society into *four classes*. To quote his words in Blochmann's translation: "By means of the warmth of the ray of unanimity and concord, a multitude of people become fused into one body, and the people of the world may be divided into four classes: 1. Warriors, who in the political body have the nature of fire. Their flames, directed by understanding, consume the straw and rubbish of rebellion and strife, but kindle also the lamp of rest in this world of disturbances. 2. Artificers and Merchants, who hold the place of air. From their labours and cleverness, God's gifts become universal and the breeze of contentment nourishes the rose-tree of life. 3. The **Learned**, such as the philosopher, the physician, arithmetician, the geometrician, the astronomer, who resemble water. From their pen and their wisdom a river rises in the drought of the world, and the garden of the creation receives a peculiar freshness from their irrigating powers. 4. Husbandmen and Labourers, who may be compared to earth. By their exertions, the staple of life is brought to perfection, and strength and happiness flow from their work. It is, therefore, obligatory for a king to put each of these in its proper place, and by uniting personal ability with a due respect for others, to cause the world to flourish. The grand political body maintains its equilibrium by the above for ranks of men."

This is not only expressed most beautifully and poetically, but it presents also a clear scientific picture, and it agrees remarkably with the theory of the four natural classes, except that the hierarchical order has not been adhered to.

A hundred years ago the German Author Adam Muelier, presented a doctrine with a religious basis, of four classes similar to those just mentioned. His classes were: 1. The clergy, including the teaching classes. 2. The nobility consisting of landed proprietors and including the military class. 3. The class of those occupied in business, traffic, and intercourse; and 4. The class of those occupied in industry and productive labours, He called them in German perhaps to be remembered more easily, in a playful impulse: Lehrstand, Wehrstand, Verkexhrstand and Naehrstand, 'stand' meaning class. This scholar had probably never heard of Varṇas, but he drew his own conclusions from the observation of society.

This division into four classes can easily be explained by regarding the all-inclusiveness of the functions of the four groups of men in the organic unity. There are four main groups of human beings, distinguishable according to their Dharma. If we consider these four groups we shall see that they include all possible human specialities. These are ;

1. Persons with a productive task (in agriculture, mining, industry, arts and crafts and in the home) ;

2. Persons with a distributive task (in business, traffic, and intercourse) ;

3. Persons with a regulative task (including persons with legislative and executive powers and business magnets).

4. Persons with an educational task including all persons concerned with the guidance and education of their fellow-men, involving their psychological unfoldment, and all persons who study truth, as the higher type of scientist and also the true mystic. This group thus includes the teacher, the religious guide, the philosopher, the scientist, the physician, the psychoanalyst, the judge, etc. The true artist also belongs to this group, for he creates out of inspiration and inner necessity (and not to supply a demand).

Thus the four groups are : 1. Productive. 2. Distributive. 3. Regulative, and 4. Intellectual-spiritual.

If we compare those four groups with the four Varṇas we see that they cover each other almost completely.

What is the main function of every one of the four groups in relation to the others ? It is service. Each serves society by its particular capacities. Civilization is founded upon mutual service. Service is the performing of one's Dharma. One class serves with its hands, another class serves with its brain. There is only one organ with which all natural classes serve ; the heart. All serve with their heart.

Here we have arrived at the organic picture of society. The *human community may be compared to a human body. Every class represents a particular organ* or member of this body, and every individual represents a cell in an organ. Every cell does its duty and contributes to the well-being of the whole body. If some cells become diseased, there arises a boil which causes pain to the organ and through that to the person. If an organ begins to lose contact with the whole, and works exclusively for its own benefit, forgetting the well-being of the whole, it becomes a cancerous tumour endangering the life of the whole. At various times in the world's history some class of persons become such a cancerous tumour endangering the continuation of culture. Whether it is a ruling class which begins to exploit the other classes, whether it is a class of manual workers which wants to bring to all men the standards of manual workers, it is equally wrong ; for a healthy and normal society consists of all four classes working in harmonious co-operation and carefully keeping only to their own province of social contribution. One cannot think with one's feet or speak with one's ears. The stomach is not meant for a store-house, and if it tries to become one, the person dies. The same applies to Society.

Only the heart is a universal organ, for it brings the life-blood to all organs and forms the connecting link between them. The heart recognizes only the equality of all organs, and it sends blood indiscriminately to feet, hands and head. The heart makes no distinction. Probably for that reason the heart, which is the central organ of the body, has become a symbol for the heart-plexus, the psychic centre of spirituality and humanity situated just inside the spinal chord above the heart organ.

This brings us to a very important point. It is clear that in the healthy body the organs are situated hierarchically. Socially there is the hierarchy of the four natural classes, and if we consider the composition of society, we get a vertical picture as well as if we look at a human body. This means that there will always be social differences, and that an ideal of human equality is socially impossible. Social equality is as impossible as a body in which every organ is a stomach or every organ a brain.

Human equality, however, is a matter of the heart. In the heart all persons are equal. As spiritual entities as souls, there is no distinction between them. Democracy is fundamentally a mystic ideal. All movements propagating human equality were in their origin, before class-selfishness or the dark side of mass-psychology came in, movements of the heart, of the spirit. As political movements they are bound to fail, as intellectual enterprises they are faulty. It is extremely important that this point should be clearly realized again by modern man. At the present time people are as yet intensely confused as to the problems of equality and inequality; they will have to learn to distinguish clearly again between the social organic inequality and the spiritual equality of men, between the vertical picture of society and the horizontal picture of humanity.

Inequality is the law of society. " To everybody according to his works, such is the great social rule, the inequality of conditions rests solely on the difference between the individual merits of people and between the services rendered by them."

The organic picture of society is not a modern one. *Aristotle*, compared the state with the human body. In a more mystical way we find the Gnostic conception of the Cosmic Christ, a giant divine Man, of whose limbs all men form part. In the Untitled Apocalyse of the Gnostics we read : " He it is whose limbs (members) make a myriad of myriads of powers, each one of which comes from Him." The Pistis Sophia, an important Gnostic treatise, gives ; " Come unto us, for we are thy fellow-limbs. We are all one with thee." Origen wrote : " As our body while consisting of human members is yet held together by one soul, so the universe is to be thought of as an immense living being which is held together by one soul, the power of the logos, God." In the Indra-Souata and the Zohar, books of the ancient *Cabalists*, we find many references to the "Ancient of Ancients" which give the same picture of a Cosmic Man. Much more known is the Hindu conception of the Cosmic Man, the Purusha. In the eleventh Chapter of the Gîtâ, the Lord says to Arjuna :

" Behold in this body of mine the entire universe together with all that is moving and unmoving, and whatever else thou desirest to perceive. " And Arjuna says to Him: " O God, in Thy body I see all the Gods as well as multitudes of all kinds of beings." In the Bhâgavata-purâṇa we read : "On the disposition of the limbs of His Person the worlds stand arranged." The Purusha conception gives the organic view very clearly. The oldest picture is found in the Ṛig.Veda : " Into [2] how many portions did they divide this Being (Purusha) ? His mouth became a Brâḥmaṇa, his arm was made a Râjanya (nobleman or Kshatriya), his thigh was transformed into a Vaiśya (merchant), and from his feet sprang the S′ûdra (working man) ", and so on. The later hymns on the same subject do not speak any more of a cutting up or an immolating, but of an issuing, as for instance the line in the Vishṇu Purâṇa : " When, true to his design, Brahmâ (the Creator) became desirous to create the world, creatures in whom *sattva* (harmony and purity) prevailed sprang from his mouth ; others in whom *rajas* (passion) predominated came from his breast ; others in whom both *rajas* (passion) and *tamas* (darkness, materiality, inertia) were strong proceeded from his thighs; others he created from his feet, whose chief characteristic was *tamas.* Of these was composed the system of the four Varṇas. .... ".

From the above quotation we see that for the ancient Hindu social-psychologist it was **quality and character** that determined the Varṇa of a person. In the Gitâ we read: "The fourfold Varṇa was created by Me according to Guṇa (quality) and Karma (action, more in particular action resulting from past action)." And : "The duties of Brâḥmaṇas, Kshatriyas, Vaiśyas and also of S′ûdras are distributed according to their Guṇas (qualities) born of their nature". And in the three verses that follow, the tendencies "born of the nature" of a person and consequent duties are enumerated.

Varṇa and Jâti are contrarious things. **Varṇas** are the "natural classes" which are not manifest in the Social Constitution, the actual cast of society, yet represent the natural formation of communal life (the Social Composition). As such, they are existing classes,

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[1] पश्य मे पार्थ रूपाणि etc.

[2] यत्पुरुषं व्यदधुः ...

though only few persons may see and realize them behind the outer show of the Social Constitution. Secondly, from the point of view of the Social Constitution, they form the ideal after which the Social Constitution has to be formed. Varṇa can only be translated by natural or cultural class. The theory of the four natural classes is a most helpful hypothesis for clarifying the thoughts of the people about the structure of society; it is based upon the theory of the natural or cultural hierarchy. Hence, Varṇa must be seen only in a social-educational sense, and in this sense its importance is very great. It is of use to all members of society first to get a clear picture of the nature and structure of society, in distinguishing the Social Constitution and the hierarchy of power from the Social Composition and the natural or cultural hierarchy; secondly to determine their own place in society, the nature of their work as social contribution; and thirdly, to be inspired by a set of ideals most akin to their inner nature.

Of course, *Varṇa* must not be taken in too dogmatic a sense. It is not at all impossible to imagine a future stage of society in which a man might belong to the educational class in the morning, for instance as a university professor, and to the productive class in the afternoon, for instance as a farm-hand. In that case he would shift from one Varṇa to another several times a day, as happens to some extent even at the present time. In this case the highest Varṇa counts. The Professor can easily become a farm-hand, a farm-hand however not a professor. The cultural factor determines the Varṇa after all, and not the physical occupation of the moment.

Also every father has an opportunity to be something of a Brâhmaṇa in the education of his children, whatever his profession may be, and every child begins its life as a S'ûdra.

The conception of Varṇa must never be used to put people into water-tight compartments. Varṇa, has two aspects. As a theory of the social Composition, it represents existing groups of men. A gentleman will always be recognised as a gentleman in every country. A selfish brute will always be recognised as such. Every human being has some social sense of recognizing degrees of social usefulness and character in other people. All this is "Varṇa."

"A man, whether he be a Brâḥmaṇa, Kṣhatriya, Vaiśya or S'ûdra, is such by nature, this is my opinion. By evil deed a twice-born man falls from his position. The Kṣhatriya or Vaiśya who lives in the condition of a Brâḥmaṇa, by practising the duties of one, attains to Brâḥmaṇahood .... " and so on, even to the last consequences: " By practising and following good works, a Sûdra becomes a Brâḥmaṇa, " these good works being the perfect performance of his S'ûdra duties of service and obedience.

The theory of the four Varṇas must have resulted from a careful observation of society in early times, and the Social constitution of Hinduism must have been modelled as far as possible on the Varṇa doctrine. In modern times, however, Hindu society has grown so far away from the original conception and ideal, that it is hard to imagine it was once based upon it. Hindu society has become artificially cramped into so many castes as many as thousands of them among which inter-marriage is prohibited. Now it is not the principle of social usefulness and character which determines the traditional social status, but only the caste of the parents. If the parents are Brâḥmaṇas, the son is a Brâḥmaṇa, if the parents are Ezhavas, the son is an Ezhava, and nobody can possibly help it. It is clear that this is directly opposed to the intention and social vision of the ancient social leaders and law-givers. A caste system consists of a number of castes the members of which do not intermarry, which show a tendency to be socially exclusive, which perpetuate themselves hereditarily, which are hierarchically superposed on the basis of a supposedly cultural standard, and which tend to bring forth more and more castes indefinitely. It is clear that all these characteristics are entirely different from and have nothing in common with the characteristics of Varṇas or natural classes.

In India, many people are prejudiced against the word Varṇa. This is a pity, because if they tried to understand the Varṇa-conception in its pure original form, they would see that it can be of the greatest help and assistance to them in their merciless fight against the evils of caste.

Dharmaśâstra and Arthaśâstra

Daṇḍanîti, Râjanîti and Nîtiśâstra are terms which are used with varying connotations to signify part or the whole of Arthaśâstra, and sometimes even its sources. Further, the great body of literature which exists by its side namely Dharmaśâstra, has an Arthaśâstra core. It has been customary to place the two classes of literature side by side in comparison, if not in opposition. While Arthaśâstra and Dharmaśâstra evolved separately as branches of knowledge, and were cultivated, in accordance with the specific implications of the Indian conception of knowledge, changes in their outlook and content brought about by historical circumstances, as well as by the remoteness of the literature of both classes from those who wrote the great digests (Nibandhas) and the commentaries (*Bhâṣhyas*) in the middle ages, blurred the outlines of both the S'âstras, and tended to their merger. In a consideration of the evolution concepts of Indian Cameralism, the variations of opinion, from age to age, in regard to the respective content of Dharma and Artha literature and their mutual relations are valuable.

Traditions of its Origin

Ancient tradition ascribed a common source to both classes of literature. A well-known story of the Mahâbhârata, gives two traditions, relating to the origin and progress of Arthaśâstra and Dharmaśâstra[1] — respectively. Bṛhaspati, S'iva (*Viśâlâkṣa*), Kâvya (S'ukra), Indra, Manu-Prâchetasa, Bhâradvâja and the sage Gauraśiras were the sages, through whom Arthaśâstra, descending from the Supreme Being, was handed down to the world.[2] In another chapter, it is stated that the Creator composed a colossal work on *Daṇḍanîti*, which was abridged successively by Viśâlâkṣa (S'iva), Subrahmaṇya, Indra, Bṛhaspati and S'ukra.[2] In a third place, we are told that the seven sages composed a huge work on Dharma, which Manu-Svâyambhuva promulgated, and Bṛhaspati and S'ukra composed abridgements of Manu's work.[1] A fourth tradition in a Smṛti, is to the effect that Manu composed a huge work on Dharmaśâstra, and communicated it to Nârada, who then abridged it, and it was subsequently abridged by Mârkaṇḍeya and further compressed by Sumati-Bhârgava.[2] The extant Manusmṛti narrates how Manu, who was descended from Brahma, instructed his pupil Bhṛgu (i. e. Bhârgava) to communicate the science of Dharma to the world. The Bhavishya Purâṇa mentions four instead of three versions of the original Dharmaśâstra of Manu, as composed by Bhṛgu, Nârada, Bṛhaspati, and Aṅgiras respectively.

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[1] एतत्ते राजधर्माणां नवनीतं युधिष्ठिर। बृहस्पतिर्हि भगवान्नान्यं धर्मं प्रशंसति ॥ शान्तिपर्वाणि ५७.१.

[2] राजशास्त्रप्रणेतारो ब्राह्मणा ब्रह्मवादिनः ३ शान्तिपर्वाणि ५८-८०, २९, ७७, ८३, ४-८९-९३.

[2] शान्तिपर्वाणि १४३. २८-४५-४६.

Significance of the Tradition.

Another instance of the attribution of a divine origin to branches of knowledge is furnished by Vâtsyâyana. The Supreme Being (Brahma) having created men, composed, for the purpose of insuring the realization of the *trivarga*, a huge work in hundred thousand verses. That part of it which related to *Dharma* was edited by *Manu-Svâyambhuva*, that on *Artha* by *Bṛhaspati*, and that on Kâma by *Nandi* from whom the Kâmasûtra descended from teacher to teacher to Vâtsyâyana's day. The derivation of all branches of knowledge from a divine source became a literary fashion. Râjaśekhara (circa. 900 A. D.) has a story that the science of poetry काव्यमीमांसा was composed by the Supreme Being, who taught it to Brahmâ and sixty-four other pupils; that Brahmâ imparted it to his son Kâvyapurûsha, who taught it to Indra and others. Whether Râjaśekhara's

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[1] नारदस्मृति पृ. १-२.

[2] एतद्वोऽयं भृगुः शास्त्रं श्रावयिष्यत्यशेषतः। एतद्धि मत्तोऽधिजगे सर्वमेवाखिलं मुनिः॥
मनुस्मृतौ १-५९.

[3] भार्गवी नारदीया च बार्हस्पत्याङ्गिरस्यपि। स्वायंभुवस्य शास्त्रस्य चतस्रः संहिताः स्मृताः॥
Vide Mandlik's Vyavahâra Mayûkha P. XVII, where it is assigned to Skanda Purâṇa.

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story is a cynical parody of the accounts in the Mahâbhârata, and the Kâmasûtra, or records an old tradition, is not very material, as the divine origin of knowledge is a general hypothesis of ancient Indian thought. This implication of the derivation is not that the sciences acquire a sanctity from their inspired origin, but it merely denotes that " God is the first postulate of knowledge ". It has indeed been suggested that a divine origin for branches of knowledge gives the sciences the same rank as the Purâṇas. The essential point of the story is not the sanctification of the different branches of knowledge so much, as of knowledge itself.

Arthaśâstra in the Organon of Indian Thought.

Among the Indian writers on Arthaśâstra themselves the divinity of their science is implied rather than openly stated. [1] Kauṭilya declares Vidyâ (knowledge) to be fourfold viz., Revelation (*Trayi*) Philosophy (*Ânvikṣhiki*) *Vârtâ* and *Daṇḍanîti*. Under Revelation, he brings the Vedas, Itihâsas, and Purâṇas. He places Arthaśâstra within Itihâsa. Other [2] ancient Indian traditions class it as an appendage of Atharvaveda. To relate Arthaśâstra to the fourth Veda is not to imply its inferiority to other branches of knowledge. To kings, the Atharvaveda was of paramount importance. The royal preceptor like Kâlidâsa's Vasiṣṭha, who has been described [3] as 'the treasury of the Atharva lore,' (*Atharvanidhiḥ*) had to be an adept in Atharvaveda. The Âtharvaṇa Pariśiṣṭa describes Atharvaveda as a Brahma 'divine' Veda. For coronations and other important royal ceremonials, the *Sûtra* authority is the Kauśika-sûtra, which belongs to Atharvaveda.

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1 आन्वीक्षिकी त्रयी वार्ता दण्डनीतिश्चेति त्रयो विद्याः ।
सांख्यं योगो लोकायतनं चेत्यान्विक्षिकी । धर्माधर्मौ त्रय्याम् । I. 2 अर्थशास्त्र.

2 सामर्ग्यजुर्वेदास्त्रयः त्रयी । अथर्ववेदेतिहासवेदौ च वेदाः । I. 3.
चरणव्यूह.

3 रघुवंशे १-५-३९.

Points of its inclusion in the Vedic Group.

The exaltation of the Arthaśâstra reached its apogee in the twelfth century, when the Smṛtikâra *Lakṣhmîdhara* the foreign minister of King Govindacandra of Benares, classed it as a Sixth Veda, the Mahâbhârata having been already admitted as the fifth. Whether Arthaśâstra was a sixth Veda or a part of the fourth Veda or the fifth Veda, the significance of the suggestion is obvious, and is shown by *Âpastamba* , [1] who defines the knowledge which is open to women and S′ûdras, as " the furthest limit of the Vedas. The [2] interdiction of the Veda to women and S′ûdras did not extend to the Itihâsas and Purâṇas. Acccordingly, the drift of the derivation is, firstly, that Arthaśâstra forms an orthodox branch of knowledge, as contrasted with heretical sciences, and secondly, that it can be studied by women as well as by men, and by all members of the community, in spite of its Vedic affinity. In the epochs of Buddhist predominance, as much as in periods of Hindu reaction, a claim of this kind has value. It further served to prevent the views of Arthaśâstra being brushed aside, if they seemed to be in conflict with the views of Smṛtis.

Idea of Trivarga.

[3] Trivarga is the three-fold aim of existence—*Dharma*, *Artha* and *Kâma*. The terms are difficult to render into English *Dharma* signifies a rule of duty or conduct, which is in harmony with specific religious injunctions. In the *Aitareya Brâhmaṇa*, Dharma stands for the sum-total of religious duties; in the *Chândogya* [4] *Upaniṣhad* it is treated as the duty of caste and station; and the idea is amplified by the commentator

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[1] सा निष्ठा या विद्या स्त्रीषु शूद्रेषु च । धर्मसूत्रे II. २९-११.

[2] न शूद्राय मतिं दद्यात् ।

[3] धर्मस्य गोप्ता जानीति तमभ्युत्कृष्टमेवंविदभिवेक्ष्यन्नेतयार्चाभिमन्त्रयेत । ऐ. ब्रा. ७. १७.

[4] त्रयो धर्मस्कन्धा यज्ञोऽध्ययनं दानमिति प्रथमस्तप एवेति द्वितीयो ब्रह्मचार्याचारकुलवासी तृतीयोऽत्यन्तमात्मानमाचार्यकुलेऽसादयन् सर्वे एते पुण्यलोका भवन्ति ब्रह्मसंस्थोऽमृतत्वमेति ॥
(II, 23)

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Medhâtithi,[1] so as to comprise five classes of duties. Artha on the other hand as a part of trivarga, is best translated as well-being and Kama as 'pleasure.' A common Scholastic exercise was to compare the relative importance of the three. There was unanimity in the view that each should be pursued in union with the other two, the preceding factor in the order of enumeration, being given precedence over the succeeding. Note however Kauṭilya's injunction to kings not to neglect æsthetic satisfaction and cultivate a joyless existence, while pursuing Dharma and Artha. [2]

A comparative study of this character is necessary. Works on Arthaśâstra and Dharmaśâstra have been usually studied without reference to their inter-relations and their historic contexts. Descriptions, which are correct in regard to parts of these subjects, are applied to the whole. The renaissance of Indian historical studies has synchronized with the growth of a powerful national feeling. Political feeling has influenced, and sometimes endeavoured to dominate, our sociological studies. A result of such obsession has been the selection of only those parts of our old literature, which furnish sanctions to the slogans of the day. With the exception of Manusmṛti, which has been expounded as a classic of social science, the major treatises of Dharmaśâstra and Arthaśâstra continue to be identified with law and politics. In defiance of etymology and history, we persist, according to our inclination or bias, in describing Arthaśâstra as political or economic science. In the West, failure to keep up the Cameral tradition of studying society in a group of associated subjects resulted in the socialist attacks on Politics and Economics. By overlooking the inter-relation of the elements of our old social sciences, and by interpreting them, as if they conformed to the definition of modern political or economic sciences, we are heading to a similar danger. The necessary corrections to this view, furnished by context and history, as well as by the content and inter-relation of Dharmaśâstra and Arthaśâstra literature, will suggest themselves in a comparative study of the literature which may be called, ' Indian Cameralism. ' In accepting the analogy, it is not forgotten that in analogical reasoning superficial resemblances often mislead. But, they cannot be ignored. What is necessary is that fundamental resemblances and differences should be considered exhaustively.

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[1] पञ्चप्रकारो धर्म इति स्मृतिविवरणकाराः प्रपञ्चयन्ति । वर्णधर्मः आश्रगधर्मः वर्णाश्रमधर्मो नैमित्तिको धर्मो गुणधर्मश्चेति—मनुभाष्ये २. २५ पृ. धर्मशास्त्रग्रंथमाला ९ पृ. ७८-७९ धर्माविरुद्धो लोकेऽस्मिन्

[2] धर्मार्थाविरोधेन कामसेवेन न निस्सुखं स्यात् । (अर्थ शा. १-७)

The spiritual and philosophic background of western Cameralism, as well as the form and tone of its literature, betray traces of the survival of the scholastic and religious influences of the Middle Ages and of the Reformation. The academic and official atmosphere, in which Cameralism was born and nurtured, is reflected in the didactic, discursive and expository character of the Cameral classics. Cameral writers are masters of administrative technique. They display with wearisome frequency, their command of the details of political, administrative, agrarian, commercial and fiscal economy. While they share the religious views and prejudices of the day, they do not obtrude them in formal expositions.

The Âśramas आश्रमाः

To be in tune with the infinite is the goal of life.

To attain to this highest ideal of life as conceived and placed before them by the Indo-Aryans, great care has been taken to prescribe a course of conduct covering the several periods of existence commencing with the pre-natal and ending with cremation. These are known as the **Saṁskâras.** "From the conception to the Cremation" these are to be performed with the accompaniment of the Mantras[1].

The *Sacraments* are the common factor in all ancient nations. The usages of each differ as to details; but the idea of sacramental performances seem to be universal and noticeable in all systems. According to the S'âstras a Saṁskâra has been defined as "a ritual the object of which is the elimination of all [2] taints.'

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[1] निषेकाद्याः स्मशानांतास्तेषां वै मन्त्रतः क्रियाः । Yâjñ.—I-10

[2] एवमेनः शमं याति बीजगर्भसमुद्भवम् ।

From this point of view a *Saṁskâra* has been conceived as of two kinds. The first is intended for the removal of all evils or evil effects such as on account of the seed, or the embryo e. g. Garbhâdhâna, Jâtakarma etc. and the second is intended as helpful in the *acquisition of the capacity for the performance* of rites. The Saṁskâras have been variously enumerated by different writers which have been collected in Smṛtichandrikâ. The most common enumeration of Saṁskâras is generally that given by Gautama as follows :—

" The *Garbhâdhâna* (or the ceremony to cause conception), the *Puṁsavana* (or ceremony to cause the birth of a male child), the *Sîmantonnayana* (or arranging the parting of the pregnant wife's hair), the *Jâtakarma* (or ceremony upon the birth of the child), *Nâmakaraṇa* (the ceremony of naming the child), *Dugdha-Prâśana* (the first feeding), *Chaula* (or tonsure of the head of the child). *Upanayana* (the initiation). *Vedavratâni* (The four vows undertaken for the study of the Veda). *The Snânam* (bath on completion of the studentship). *The taking of a helpmate* for the fulfilment of the religious duties. The *performence* of the *five sacrifices to gods*, manes, men, created beings and Braḥman. And (the performance) of the following (sacrifices). The *seven* kinds of *Pâkayajñas* (or small sacrifices), viz. the Aṣhṭakâ, the Pârvaṇa, Sthâlîpâka (offered on the new and full moon days), S'râddha (the funeral oblations), the S'râvaṇi, the Âgrahayâṇi, the Chaitri and the Âśvayuji. The *seven kinds* of *Haviryajñas*, viz. the Agnyâdheya, the Agnihotra, the Darśapaurṇamâsa, the Âgrayaṇa, the Châturmâsyas, the Nirûḍhapaśubandha, the Sautrâmaṇî; the *seven kinds* of *Soma-Sacrifices*, viz. the Agniṣhṭoma, the Atyagniṣhṭoma, the Ukthya, the S'odaṣin, the Atirâtra, and the Âptoryâma ; *These are the forty sacraments.* "

There is **another point of view** from which Saṁskâras have been divided as stated by Hârîta viz. (1) **Brâḥma** and (2) **Daiva.** Those prescribed by the Smṛtis are Brâḥma such as the Garbhâdhâna ; and the others are the Daiva such as the Havissaṁstha.

The first of these is Garbhâdhâna as enumerated by Gautama. Yâjñavalkya opens the second chapter with the enumeration of the Varṇas and a very brief indication of the Saṁskâras, where also he begins with the niṣheka or sprinkling. This is generally identified with the Garbhâdhâna. Vaikhânasa describes it as cohabitation upon the menses. The *Garbhâdhâna* Saṁskâra as it is ordinarily performed is comparable to what is called the *Chaturthî-Karaṇa* homa which is performed by the followers of the Kṛṣṇayajurvedîya Taittirîya S′âkhâ. It is performed in the early morning hours on the fourth day of the marriage, upon the first entry of the bride into the house of her lord. The ancient rules prescribed a strict observance of the vow of celibacy for four days after the marriage, and this Saṁskâra coming on the fourth day upon her entry into her husband's home contains almost verbatim the same mantras which are recited at the Garbhâdhâna. These facts lend strong support to the view regarding the prevalence of post-puberty marriages, at least among those by whom this Chaturthîkaraṇa homa was performed. The object of this ritual, as also of Garbhâdhâna, has been stated to be the purification of the womb as a pre-preparation of the ground for the coming fœtus upon the sexual cohabitation of the couple. Restrictive rules as to cohabitation have been laid down by writers particularly for those who are desirous of having male issues. From this point of view, **even nights** from the first appearance of the menses have been suggested as being favourable for a male issue, while **odd nights** for a female child. Restrictions as to mutual approach by the couple have been elaborately laid down practically in all treatises.

Conjugal rights

While on the other hand restrictive injunctions are found everywhere stated for sexual approach especially after the menstruation period, subject of course, to the inauspicious days and periods, and a religious sanction has been indicated for those who violate the injunction as to the sexual approach after the menstruation period. The *legend-referred* to in Yâjñavalkya, Âchârâdhyâya verse 81, as having a reference to *Taittirîya Samhitâ* and the episode of Viśvarûpa, the son of Tvaṣhṭâ, is significant evidence of the

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obligatory character of this injunction, which also shows that the Smṛtis considered that the privilege of enforcing the conjugal right was available both to the husband as well as to the wife.

In this connection has also been stated the practice of *Niyoga* or the *levirate*, which is prescribed to be performed when the husband is not available either on account of his death, degradation, or sojourn in a distant country, or when he has entered into the fourth order. Thus it appears that in the case of a woman who was widowed before menstruation, the performance of the Garbhâdhâna saṁskâra by a resort to niyoga was contemplated by the Smṛtis. Giving this a purely secular interpretation, a proper inference may be drawn that a woman without a husband was not regarded as the last phase of her usefulness to the society in the matter of adding to its population. Evidently this must have been the attitude when fighting males were in requisition. In other words, the national requirements and individual cravings were the determining factors for a resort to this practice.

Pûṁsavana was a saṁskâra for the begetting of a male issue. This is performed either in the second or the third month of conception. The textual authorities are uniform in regard to the rules for begetting a male child. The general rule is that the male child is born when the male fluid preponderates over the female.

Anavalobhanam : This was practically an extension of **pûṁsavana,** under a special ritual by which the fœtus remains undisturbed. Its intended result is the safe-development of the fœtus through its period.

It appears that *researches on this subject* were being carried on from very early times and the details about the choice of the day, the favourable astral combination, as also the mental and physical condition of both the husband and the wife, have always been regarded as essential conditions for the begetting of a healthy child. Elaborate researches will be found to have been made in regard to this topic in Modern times. Almost all the rules or recommendations found in the Sanskrit Texts have received a remarkable confirmation in the results of modern research. "*The Science of a New Life*" by *Dr. Cowan* offers a very remarkable confirmation to the rules stated in the texts in this behalf. In this connection the following remarks from the Bengal Census Report for 1901 by Sir Edward Gate may be read with interest :—

" Many of the *modern theories* regarding the causation of sex have been *anticipated by ancient Hindu writers.* The idea underlying many of these theories both ancient and modern, is that sex is determined by the preponderance of the male over the female principle, or the reverse, at the time of conception. It was stated, for example, in an old Hindu work on the subject, that the female principle is worked on certain days than on others, and that conception on even days following the commencement of the menses tends to result in male, and on odd days in female children. This general tendency, however, might be counteracted if one sex or the other were specially strong, and a strong and healthy woman is advised to fast, or reduce her diet, at the time when she expects to conceive, if she wishes to be blessed with a male offspring. For the same reason it was ordained that the husband should be older than his wife, as she would then ordinarily be more vigorous and have a greater chance of influencing the sex. The great authority on sex amongst the Hindus is the Âdi S'âstra which is attributed to Nâgârjuna.

Sîmantonnayana : *Parting of the hair* is generally performed in the third month of conception.

Note :—**During the intermediate period** between the Saṁskâras detailed above and the Jâtakarma saṁskâra performed immediately upon the birth of the child are **certatn duties prescribed for the pregnant mother as also** for the prospective father, **the husband** of the lady. These are Rules during pregnancy the **Padmapurâṇa** and also the **Matsyapurâṇa**, likewise **Suśruta**, recommend e. g. that she should not engage herself in anything which would involve any sudden bodily or mental change or any mental strain. **दोहदप्रदान.** A duty is laid upon the husband to try to secure the satisfaction of the desires of the wife and in the Prâyaśchittâdhyâya of the Yâjñavalkya Smṛti a connection of cause and effect is suggested between an unsatisfied desire and the deformity at birth or premature death. For the husband has been prescribed the performance of the Vishṇubali, oblations to Vishṇu. For him also have been laid the injunctions in regard to his personal behaviour, under various conditions and with regard to various acts such as shaving, sexual intercourse, visit to a holy place, performance of the S'râddha, or accompanying a dead body for cremation and like others.

The **Kṣhipra-prasavana** or easy delivery. This ceremony consists of the placing of a water-pot near the head and a Turyanta plant near her feet, and the touching of her body and stroking of these for safe delivery-parturition without pain.

For the pregnant woman, rules for the entrance into the maternity home have been recommended together with the performance of certain rituals and the observance of auspicious days. This is called *Soṣhyantihoma.*

Jâtakarma : Immediately upon the birth of a child is this rite to be performed before the separation of the navel. Incidental to this Jâtakarma-saṁskâra are mentioned (a) **Medhâbhijanana** the inducement of intelligence which is generally performed in connection with the Upanayana, (b) **Âyuṣhya** which consists of repeating the mantras in favour of a long life to be bestowed upon the child, (c) **Aṁsâbhimarṣhaṇa** i. e. touching the child on the shoulders, (d) *Mâtrâbhimantraṇa,* addressing the mother, (e) Pañchaprâṇasthâpana, पंचप्राणस्थापन a ritual where five Brâhmaṇas are to repeat the mantras for the Prâṇa, Apâna, Vyâna, Udâna, and Samâna, (f) *Stanapratidâna or Stanaprastaṇa,* offering the nipple of the breast to the child. (g) *Diśâbhimantraṇa,* and the next is (h) *Nâmakaraṇa,* giving the name to the child. This is done on the eleventh day. According to some authorities the naming is done either on the tenth day or on the twelfth day. According to Bṛhaspati, in addition to these are mentioned the sixteenth, the twentieth, as also the twenty-second day respectively in the order of the *varṇas*. Manu states a rule in this respect as regards the name to be given. The general formula stated by Vyâsa, Yama, Nârada is that the name of **Brâḥmaṇa** should have the suffix **s′arman**, of a Kṣhatriya **varman**, of a Vaiśya **gupta** or **dhana**, and of a S′ûdra, **dâsa.** In the case of a female child also Manu has stated a rule, according to which the name of a girl should be such as could be easily pronounced e. g. Yaśodâ; plain in meaning e. g. Indra etc. A further rule has been stated in the Kârikâ according to which the **number of letters in the boy's name should be even while in the case** of a girl its contrary.

The next is *Preṅkhârohaṇam* i. e. placing in the cradle. This is done on the 10th, 16th or even the 32nd day selecting an auspicious day from all points of view.

Dugdhapâna, making the child drink milk. On the 31st day the child is to be made to drink the milk through a conch. According to the usage of some, the *jalapûjâ*, water worship and the *Tambûla-bhakṣhaṇa*, tasting the betel also are observed as Saṁskâras.

Niṣhkramaṇa, taking the child out. This is done according to Bhaviṣhyapurâṇa on the twelfth day. But others have a longer interval alternating with six weeks, twelve weeks, or even further. Generally the bright half of the month is recommended; so also auspicious days and Nakṣhatras.

Then follows *Bhumyupaveśana*, placing the baby on the ground, the time for which has been stated to be the fifth month.

The *Kaṭisûtrabandhana*, the tying of the cord round the waist.

Then *Karṇavedha*, piercing the ears. For this the tenth or the twelfth, or sixteenth day of the seventh, or the tenth month, have been stated as the proper period.

Annaprâśana, making the child eat cooked food. Yâjña-valkya, Âśvalâyana, Manu and others also prescribe the sixth month for this. Others alternate the time with the eighth month when the teeth appear, or in the tenth month, or even after the completion of the year. This is an important Saṁskâra and has been detailed in the Gṛhyas.

Abdapûrti, After the completion of the year occurs the Abdapûrti or *Varṣhavardhana.*

The Chûḍâ or **Chûdâkaraṇa** is performed in **the first year,** or in the **third year** as enjoined in the S′ruti. It consists of the first cutting of the hair. A proper day is selected by regard to an auspicious *nakṣhatra*, *râsi*, and *tithi.* **Laugâkṣhi lays down different rules** as to the size, the number, and the place of the knots by regard to the age of the child. Thus in the case of a child of the Atri or Kaśyapa gotra it should be on both sides, the left and the right. The same should be for those who have two *pravaras.* For those having three *pravaras*, three **i.** e. two on the two sides, and one on the top in the middle. For those having five pravaras, five.

For *the female child also* this Saṁskâra of *Chûḍâkaraṇa* has been stated ; but it should be without the Vedic Mantras, according to Yâjñavalkya this and all the Saṁskâras to be performed upon women should be without the repetition of the Mantras. Upon the S′ûdras also this Saṁskâra may be performed, but without the mantras.

These are the Saṁskâras of which seven have been mentioned by Yâjñavalkya.

The next Saṁskâra mentioned by him is the **Upanayana.** But an intermediate stage has been mentioned before Upanayana and it is called **Vidyârambha.** This is begun with the commencement of the fifth year of the child when he is introduced to the letters of the alphabet. *Gautama*, no doubt, allows the child a latitude as to conduct, speech and eating. To the same effect in the Vishṇuparâṇa and Brahmapurâṇa also. So also. *Vasiṣhṭha.*

Upanayana literally means taking " near ". In popular language it is called *Mauñjîbandhana* on account of the girdle of the muñja grass being tied round the waist of the student entrant to the Âśrama. Similarly it is called the thread ceremony because the putting on of the sacred thread for the first time is an important part of this ritual. This Upanayana, " taking near ", ceremony is so called because the student is brought into contact with the preceptor, deities and disciplined life. At its origin this was a simple domestic ceremony prescribed for the entrant into an Âśrama for study. It appears that for a long time this was not regarded as a necessary or obligatory saṁskâra. The passage in the Chhândogya Upanishad in which the father Aruṇi directs his son S'vetaketu to pass through a course of educational training is well known. The direction in Yâjñavalkya viz. " For each of the *vedas* there should be the students' course for twelve years', or for five, or until complete acquisition, " indicates the practice of *compulsory* initiation for the commencement of every course of study.[1] In the Smṛti period therefore it may be taken that *upanayana* was regarded as obligatory for every entrant to a course.

Upanayana, therefore, was **not only a rite preparatory** for **an admission** to an educational courses, but **by transference** of ideas **it was regarded as a purificatory saṁskâra.** It is from this point of view that a *fresh upanayana* is seen **prescribed for a number of offences** of omission and commission e. g. drinking of *madya*, eating forbidden things, such as onion etc. This purificatory aspect of the Upanayana is evidenced as having been *carried to an excess* in the instance of the Upanayana of four *Aśvattha trees* planted at the four corners of a dedicated temple. The practical effect of the Upanayana for the three twice-born classes was evidently, the necessary introduction of literacy when it was made a compulsory Saṁskâra.

The age for Upanayana : *Various limits of age* have been stated for the performance of the Upanayana ceremony. According to Yâjñavalkya either the *eighth* year of conception or of birth has been prescribed for the Brâhmaṇa. For the *Kṣhatriya* the *eleventh* or the twelfth, and for the *Vaiśya* according to the family custom. These *periods* are again divided into **Nitya** and, **Kâmya** i. e. ordinary and with a special purpose. The **Nitya** *period again* is divided into **mukhya** and **gauṇa.** That which is particularly prescribed by the principal injunction is Mukhya

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[1] प्रतिवेदं ब्रह्मचर्यं cf. present rule also for change of subject.

e. g. the Upanayana should be performed upon a Brâḥmaṇa at the eighth year. That again is of three kinds *gauṇa* viz. **gauṇa, gauṇatara** and **gauṇatama**[1] i. e. **secondary, more secondary** and **most secondary.** In secondary periods such as are illustrated in Paiṭhînasi as alternative ones e. g. the Upanayana of a Brâḥmaṇa should be performed in the **fifth year** of birth or conception or in the eighth of conception. These are regarded as the principal; and the **secondary periods** are the **12th, 16th, 20th etc. Failure to perform** the Upanayana at proper periods involves Prâyaśchittas which have been variously stated. Those, however, upon whom the Upanayana is not performed at all are called **Vrâtyas.** Not only these but their progeny also are amenable to Prâyaśchitta. Thus Âpastamba excludes them from social amenities, such as intermarriage, interdining etc.

The next point to be considered with regard to the *time for upanayana* is the auspicious *age for the child*, the part of the year, month, day, nakṣhatra, yoga, karaṇa, the planetary conjunctions and positions, and similar other matters. Another circumstance prohibiting the performance is the period of menstruation, or the advanced pregnancy of the child's mother.

It has been stated that the Upanayana of the sons of the same mother should not be performed simultaneously unless they are born twins. With regard to which of the fourteen kinds of sons the Upanayana Saṁskâra may be performed, the opinion appears to be that such of them as happen to be *dwijas* may be admitted to this ritual.

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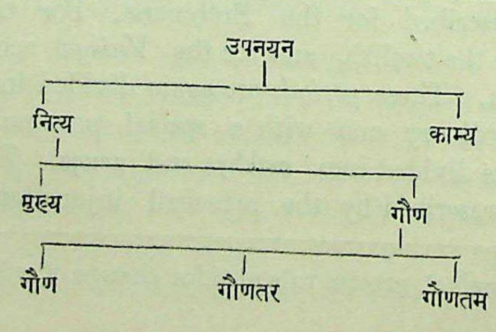

Upanayana of girls. In regard to the admissibility of girls to the Saṁskâra of Upanayana the authorities are uniform in favour of it. The only point on which there is a difference among them is as regards the **recital of the Mantras** at the performance. In this respect **Hârîta** draws a distinction thus: "The women may be classified into two groups (1) the **Brahmavâdinis** i. e. who are intent on study, and (2) **Sadyovadhvâḥ.** As regards the first i. e. the Brahmavâdinis, the preparation of the fire, study of the Vedas, and the *bhikshâ* i. e. begging of alms at home are allowed; while in regard to those **who are intent on marriage**, the Upanayana should be performed just before the marriage, and the marriage should then be performed. To the same effect are Yama, Manu, and Yâjñavalkya.

The **ritual of the Upanayana** is very simple. In the early morning of the day fixed for the ceremony, the boy is given a bath. Then he has the last breakfast with the mother, perhaps the last time for him to avail himself of the three-fold liberty allowed to him in the Gautama Sûtra [1]. After the dinner, he has a shave, after which he has again a bath when the *Kaupîna* and the girdle are offered to him. The **girdle** (mekhalâ) **is tied round** his waist. It is made of a triple cord as indicative of the three Vedas. It should have three, five or seven knots. For a Brâhmaṇa it should be of the Muñja grass, for the Kshatriya of the Murva plant, and for the Vaiśya, of hemp. Thereafter the fire is consecrated, and after that the father imparts to him the Gâyatri Mantra. In regard to this the Gâyatri is for the Brâhmaṇa, **Trishṭup** for the **Kshatriya,** and the **Jagati,** for the **Vaiśya.** Accordingly different Mantras forming the prayer to the Sun-God are stated for the three divisions of the twice-born. After that the staff (Daṇḍa) is offered to him with which he is to go round begging. Thereafter he is to remain with the Âchârya and observe the **rules and restrictions** as detailed, which briefly summarised are as follows :—"At early dawn as also in the evening he should perform his ablutions with the sacred thread suspended on his ear, and with his face towards the north in the morning, while in the evening towards the south. After the call of nature he should have a wash, and after a bath and sipping water he should repeat the Gâyatri Mantra with the restraint of breath (Prâṇâyâma). Thereafter, after completing the fire-worship, he should humbly approach the preceptor with a request for lessons in the Veda and should attend to his behests. The preceptor also should teach those who are endowed with the qualities of gratefulness, intelligence, purity, perfect health, absence of wickedness and like others. After that he should go round the begging of alms. In regard to the **begging of alms**, the rule is that the Brâhmaṇa should use the formula for begging with the word **Bhavat at the beginning** ; the Kṣhatriya, in the **middle**, and the Vaiśya at the end. After the oblations to the fire, with the permission of the preceptor he should take his food commencing and concluding with the sipping of water. While observing the vow of a celibate student he should not partake of the food of one only. The food should not contain meat or liquor, should not be spiced or stale. The student should avoid contact with women, should not indulge in killing animals, nor in any other occupation which would involve loss of time ; should avoid untruth, slang or profitless discussions ". The texts contain similar directions to be followed by the student as summarised above.

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[1] Note the मन्त्र इयं दुरुक्तात् &c. प्रागुपनयनात् कामचारः कामभक्षः ।

Preceptors Classified. " He who gives the Vedas is called the **Guru** ; one who performs the Upanayana and gives the Vedas is called the **Âchârya** ; one who teaches a portion is an **Upâdhyâya**, and one who performs the sacrifices is called the **Ṛtvik** ; these are entitled to respect in the order of priority ; but more than all these is the **mother** most entitled to respect." During Vedagrahaṇa [1] the principal point underlying the restrictions upon the privileges of the student are calculated to secure for him as much time for study as possible without any interruption due to voluntary or involuntary causes. His sole concern during this period is study and nothing else. He is not to allow his mind to be distracted by indulging in any of the pastimes as ordinary people do. On the other hand he is immune from all impurities whether due to birth or death, which are allowed to accumulate during his student's course and are accounted for after the Samâvartana. **Normally, twelve years were regarded as** the duration for a course unless the student wanted to enter a new faculty of study, in which case a fresh Upanayana has been prescribed. This rule appears to be coincidently anticipatory of the rule at present in force in the Universities whether in Post-Graduate courses, or those for the Degrees.

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[1] Yâjñavalkya Âchâr 35.

Special exemption

The only **rituals** which a student is expected to perform during his course are the **Utsarjana** and **Upâkarma**, the periods for which are generally mentioned indicated at the **appearance of the Oṣhadhis.** There are the **four Veda Vratas** and other performances also mentioned in the texts.

Between the **Samâvartana** or the **Snâna ceremony**, and the Upanayana falls what is called **Godânavrata**, the procedure and Mantras for which were the same as for the **Chûḍâ.** Although in the early times it fell in the midst of the student's course, it came to be regarded as terminating the student's career. It consists of the shaving of the beard for the first time.

Immediately after the performance of the Upanayana came the rite known as the **Medhâjanana**[1]. This was a performance during which divine help was invoked in favour of the sharpening of the intellect of the student, his grasping power and retentivity. This was the last of the rite of the Upanayana. The fruit for the performance of these vratas has been summarised by Yâjñavalkya thus: "He enjoys the fruit of the thrice bestowing the earth with full treasures and of the highest austerities."

Then follows the ceremony of **Samâvartana** or **Snâna.** A *Snâtaka* has been classified into **three classes**, viz. 1 **Vidyâ-Snâtaka**, 2 **Vrata-Snâtaka** and 3 **Vidyâvrata-Snâtaka.** Besides these is the **Naiṣṭhika Brahmachâri,** i. e. the perpetual student, for whom a special rule has been stated. He is to reside near the Âchârya following the vow of celibacy obeying his commands, and in his absence his wife's, offering worship to the fire. He who conducts himself in this manner attains to the region of the Brahma.

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[1] The मन्त्र was मेधा देवी जुषुमाणा न आगाद्विश्वाची भद्रा सुमनस्यमाना &c. मयि मेधां ।

This last ceremony viz. of **Samâvartana** brings the celibate's course to a termination. It is a very simple ceremony. An auspicious day is selected on which the student is to confine himself to a room in the morning. After the day is advanced, he comes out of his room, has a shave of the head and the beard is removed, and after the performance of the Homa he gives up the Mekhalâ, Ajina and Daṇḍa, the insignia of the student's life, and after offering to the *guru* his desired object, he is discharged from studentship, free to follow the normal life of an ordinary man. Immediately after this, he is made to observe a period of impurities which was kept in suspense and cumulation during his student days.

गृहस्थ

The **Duties of a Householder** [1] (*Gṛhastha-Dharma*).

After the Snâna or the ceremonial bath, when the student emerges from the celibate's order, he is due to take to the Householder's order (*Gṛhasthâśrama*), and he becomes a full-fledged Gṛhastha after marriage. But before the marriage and after the Snâna he has to conform to some rules of conduct, and for such a stage the *Snâtakadharmas* have been stated in Ch. VI. But he is still a householder, as he cannot [2] carry on without an Order in life. The *rules* prescribed as *for a householder* (Gṛhastha) *are very nearly the same as for a Snâtaka* ; in fact, both supplement each other, and the two together, make for a full Code for the guidance of a householder. He should perform the Smârta rites, on the nuptial fire, or on the fire carried with him at the partition of Riktha, and the S'rauta rites on the Vaitâna fires.

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[1] See Yâjñavalkya Smṛti. We may call here Rules for social behaviour.

[2] अनाश्रमी न तिष्ठेत।

After performing the morning ablutions and the necessary personal duties commencing with the cleaning of the teeth, he should offer the Sandhyâ prayer, and after having offered worship to the fires and the Sun God, he should study the interpretation of the Vedas and the S′âstras. Thereafter, for the purpose of the maintenance of the family, he should wait upon the master. After bathing, he should propitiate the Gods and the Pitṛs. Every day he should offer oblations to the manes, and men, and water libations also. He should go through the course every day. Whoever approaches him as an Atithi, he should do honour to him by offering welcome and presents such as a big bull, or a goat, and the like, as his means may afford. Every year he should do hononr to the *Snâtakas* and *Âchâryas* and the King, and to near relations such as the son-in-law, friends and the Ṛtvijas. One who is on his journey should be regarded as an Atithi ; one who has reached the end of all Vedic learning, is called a S′rotriya, both these should be respected. One should never be addicted to food at another's house ; one should avoid an undesirable speech or any such activity by the hand, feet, or the palate. When a guest has been propitiated by hospitality he should accompany him as far as the gate of the house. In the evening he should offer Sandhyâ and take his meals along with his dependents, and then retire. He should get up very early in the morning and attend to all his own personal duties.

Persons to be respected :—Men should be *respected* in the following order, viz. on account of their education, vocation, age, relationship and wealth. With these qualifications in abundance, a Sûdra also deserves respect. *Gautama* observe that *a S′ûdra even should be treated with respect after he attains the age of eighty*[1]. While crossing a road, if *an aged man* comes across, or one carrying a load, or the king, or the Snâtaka, or a woman or one suffering from a disease, a bridegroom, or the wheelman, a way should be given to these. Among these, the Ruler is to be respected, and by the Ruler should be respected, the Snâtaka student. The *duties common to* the Brâhmaṇa, Kṣhatriya and

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[1] शुद्रोऽप्यशीतिवरः VI. 8.

Vaiśya are sacrifices, study, and giving of alms. For a Brâḥmaṇa the acceptance of gift is additional, as also the causing of sacrifice, and teaching also. For the Kṣhatriya the main duty is the protection of the subjects; for the Vaiśya, money-lending, agriculture, trade and tending cattle. For the S′ûdra, service of the twice-born, and if he cannot earn his living by that, he may become a trader, or he should earn his living by various arts, working for the benefit of the twiceborn. One should not avoid the performance of the five daily sacrifices, should be attached to his wife, be pure, maintain his dependants, and be ever diligent in the performance of the S′râddha.

General Rules :—Harmlessness, truthfulness, non-stealing, purity, control of the organs, donations, selfrestraint, mercy, and forgiveness are the means of attaining Dharma for all. One should adapt himself in a straight and uncunning manner with regard to others by regard to age, intellect, wealth, speech, attire, education, birth, and calling.

The special rule as regards the *accumulation of wealth* will be inferred from the texts generally stated in the Yâjñavalkya[1] according to which the higher type of a Brâḥmaṇa, is determined in an ascending order inversely proportionate to the degree of his accumulations. One who stores grain of the quantity of a Kuśula is the lowest, one having a Kumbhi quantity is higher; he who stores enough for three days is the next higher, and he who does not care for the morrow is next to the highest; and the highest is one who subsists upon daily gleanings from the field left over by the birds. It will be seen how rigorous was the test led down for a claim to a highest type of a Brâḥmaṇa.

Those who, however, *accumulate* wealth *are under a duty to perform sacrifices.*

The *S′rauta performances* :—One who has in store food-supply for more than three years, should perform the Soma Sacrifice. One who has one year's food should perform प्राक्सोम

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[1] Âchâra 128.

the Pre-Soma sacrifice. So also every year the Soma for every Solstice, the Paśu, the Âgrahâyaṇa sacrifice also, and the, Châturmâsya should be performed. When these are not possible one should perform the Vaiśvânari sacrifice. But when a higher one is possible, one should not resort to the lower type. If one performs a sacrifice by means of alms begged of a S'ûdra, he becomes a Chaṇḍâla,. *One who has begged for a sacrifice and does not give it off, is born either a crow or a vulture.*

A **Snâtaka** is one who has performed his snâna or bath. This bath which is called the ceremonial bath (one of the Saṁskâras) is taken after the completion of the student's course and in this respect it also cynchronises with Samâvartana which literally means returning from the Educational Âśrama (Ṛṣhikula). Sometimes the Upanayana takes place at home, and the student remains with his father or some one at home under whose guidance he carries on his studies. In that case, there would be no Samâvartana as such, as there has been no change of home, but the bath (Snâna) occurs after the completion of the study period. Such a one who has completed his study and has not entered the married life, is called the *Snâtaka.* The Mitâkṣharâ has indicated three divisions of the Snâtakas viz. *Vidyâsnâtaka*, *Vratasnâtaka* and the *Vidyâvratasnâtaka*. The Vidyâ is the education ; and the *vratas* have been set out at details by Manu in Chapter II from verse 173–249; one observing these is Vratasnâtaka ; and the third is Vidyâvratasnâtaka.

It may also be noted that *two classes of Brahmachâris i. e.* those who enter a vow of celibacy have been indicated viz. the *Naiṣhṭhika Brahmachâri* and the *Upakurvâṇa* Brahmachâri. **Hârita** also refers to two classes of women students, viz. the **Brahmavâdinis** and **Sadyovadhvâḥ** corresponding to the Naiṣhṭhika and Upakurvâna of the male class. For such a one, rules have been laid down in Chapter VI. Practically therefore these rules are supplementary of those stated in the previous chapter as for a Householder. The texts lay down various rules, all of which are aimed at enabling the snâtaka to begin and maintain a life of plain living and high thinking.

Speaking generally these rules fall under some notable heads viz.

(1) How should he earn his living or maintenance ?

(2) What should be his daily routine of life ?

(3) How should be behave in regard to the general public ?

(4) The periods for study and off-study, and

(5) Special rules particularly applicable to Snâtakas.

The most general direction given is that he should never aspire after anything the acquisition of which might affect detrimentally the study of the Vedas ; and generally, that he should not go to any place or resort to any man for a purpose which would lead to that consequence. He should always keep contented ; if oppressed with hunger, he may accept maintenance from the King or from the pupils of those who are entitled to respect ; but he should always avoid scheming persons, pretenders, and all kinds of humbugs. Clad in pure white clothes, with a close shave, and always in a clean condition, he should carry on his daily occupations.

The period of study is divided into **study days** and **non-study days.** *Dies fasti et nefasti*, the general principle underlying these non-study days being whatever leads or is likely to lead to a distraction of the mind is regarded as a cause for non-study ; for example, deaths of persons in close affinity or physical occurrence such as thunder, lightning, hurricane etc.

A number of vows have been laid down as also a detailed disquisition on the subject of donation (Dâna). The fruit of the donation has been stated to be the perpetual attainment to the region of Brahma. In one case, even without making a donation, one may get the fruit, and that is, in the case of one who although well deserving a gift, does not accept it. To the rules stated above for a donation and an abstinence from acceptance also, some exceptions have been stated. Thus, one should not refuse the offer of the Kuśa grass, or a vegetable, milk, fish, perfume, flower, curds, land, meat, couch, seat, barley ; and the reason for the acceptance is, that by so doing one is enabled to perform his duties to the Gods, and men, and thus indirectly he respects these.

Rules as to purification of things, moveables and immoveables also have been elaborately stated. The main object of these rules being that the standard of a higher life of purity, cleanliness, harmlessness etc., may be maintained.

राजधर्म

The Smṛtis of **Manu and Yâjñavalkya**[1] **give** details in a summary form of **Public Administration.** Generally the form of Government has been assumed to be monarchical. The smṛtis and other works specially devoted to these topics give the duties of a king. In particular, the Works of **Arthaśâstra** make special mention of these duties.

Essential qualities of a King : He must **be endowed** with **great enthusiasm,** should have a **wide range of vision,** and should always **remember good services** rendered. He should **respect the elders,** be well **disciplined** in mind, should **cultivate** and possess highest qualities, and should belong to a high family ; he must always speak the truth and be pure. He should avoid procrastination of all kinds, should have a strong memory, should not be petty, minded, nor harsh. He should be religious, free from vice-well developed in intellect, brave and well acquainted with important matters. He should keep his own counsel and be accomplished in the science of metaphysics, and similarly in the principles of civil and criminal laws and administration, and also in the knowledge of the three Vedas.

His Ministers : He should select for his Ministers, persons endowed with superior intellect, descended from high family, steady in habits, and pure in conduct. He should hold counsel along with them regarding the administration of his kingdom and after that with the Brâhmaṇa who should be one who is accomplished in the Divine lore, endowed with high qualifications, and well versed in the science of polity and of the Atharvâṅgirasa. He should perform or cause to be performed sacrifices according to the dictates of the texts. As this subject

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[1] याज्ञवल्क्य आचारे ३०९-३१९.

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has already been covered in a former lecture in this Series' it is not necessary to dilate upon this more than what is absolutely necessary to maintain a connected link between other topics referred to here.

The most important duty of a king is that he should *administer justice* and *hold inquiries* over every kind of dispute arising among his subjects. The general rule laid down in the Dharmaśâstra and also in the Arthaśâstra is that he should erect strong rooms for the preservation of peoples' hoardings, as well as for his own protection, and the most important precaution is that to conquered nations and kings to whom he should show the highest possible degree of generosity. He should maintain the laws and rules prevailing in a region which has come under his sway by conquest. In battle he should not kill those who resort to him for protection, nor the impotent, nor the unarmed, nor one who is engaged in a combat with another. He should always keenly watch his finances, which should be well balanced.

The stability of an administration depends upon its counsel well determined and carefully kept. Therefore it is necessary for a king to keep his counsel perfectly guarded. He should always take proper care of the enemy, the friend, those who are neutral, of those who are his immediate neighbours, one or more stages beyond. The six courses preparatory for dealing with an enemy are well known, viz. Sâma (peace), Dâna (gifts). Bheda (schism), Daṇḍa (force), and if these do not succeed, then Sandhi (Alliance) or Vigraha (War). As far as possible, a king should secure friendly relations with all. " Because, of all the acquisitions such as gold, or land and the like, the acquisition of friends is the best. " (See Yâjñavalkya I—352).

It has been stated above that the most important duty of a king is to administer justice. Therefore elaborate and detailed rules have been laid down in all the Smṛtis as regards the constitution of Courts; their powers, appointment of judges, their jurisdiction, rights and liabilities, and detailed rules of procedure, which Sir Srinivasa Varadhcharya has already dealt with in the first of these series of lectures. It may be stated here, however, as a matter of special notice that in some respects *rules of evidence* as stated in the Smṛtis, are less severe than the rules which prevail in modern procedures. For example, as regards admission of secondary evidence, in addition to these rules, as laid down in the present day Books on Evidence, one finds a further extension of this doctrine in the following rule, namely, where a document is proved to be unavailable, but has been established to have been seen by some witness, the evidence of such a witness in regard to such document and its contents has been made admissible. Of course the probative character of the witness is a matter of individual assessment. Then in the matter of affirmation of a witness also, care has been taken to impress upon the deponent the dire results of stating an untruth.

The king, as has been stated above, is regarded as the administrative head and has been assumed to have a divine origin. This has been with the deliberate purpose of investing the institution with as much respect and awe as possible.

The **topics of the exercise** of jurisdiction in judicial courts have been stated by **Manu**[1] and have been generally followed in all the works of Dharmaśâstra. These have been indicated under **18 titles or heads.**

The Jurisdiction of the Court : The general rule laid down for a king is that as far as possible, as stated above, he should personally attend to the investigation of cases, administrative, judicial, and otherwise. [2]When, however, on account of his being engrossed in other duties, he has no time to attend to these functions, he should appoint learned people either one, two or more. These judges have the same jurisdiction as that of the king, subject to an appeal in an ascending order as dealt with in treaties on that subject.

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[1] See Manu Ch. VIII. 4-7.

[2] See Manu Ch. VIII. 9-14.

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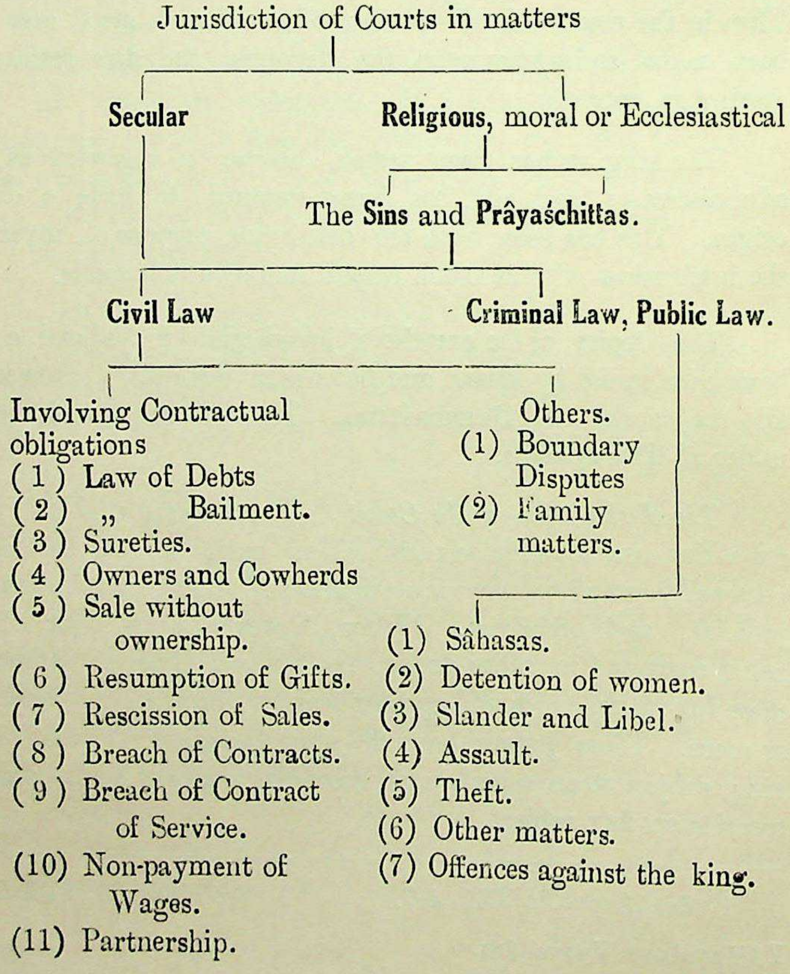
Jurisdiction of the king. The King has **Jurisdiction** over matters which affect (1) the **rights**, duties and obligations of his subjects, or (2) which **concern** the **morals** or (3) questions **pertaining to religion** or (4) matters which **involve offences** of transgression or **breach of religious**, moral or secular rules. In this way, a king's jurisdiction may be looked at from its exercise in matters secular, religious, moral or ecclesiastical, under which latter come the investigation of sins and the administration of Prâyaśchittas. &c. ... ... As regards secular matters, these fall under the Civil, Criminal or Public Law. The **accompanying table** will show these in a skeleton form :


Jurisdiction of Courts in matters
Secular
Religious, moral or Ecclesiastical
The Sins and Prâyaśchittas.
Civil Law
Criminal Law, Public Law.
Involving Contractual obligations
(1) Law of Debts
(2) ,, Bailment.
(3) Sureties.
(4) Owners and Cowherds
(5) Sale without ownership.
(6) Resumption of Gifts.
(7) Rescission of Sales.
(8) Breach of Contracts.
(9) Breach of Contract of Service.
(10) Non-payment of Wages.
(11) Partnership.
Others.
(1) Boundary Disputes
(2) Family matters.
(1) Sâhasas.
(2) Detention of women.
(3) Slander and Libel.
(4) Assault.
(5) Theft.
(6) Other matters.
(7) Offences against the king.

All these topics have been dealt with in all the Works. In the earlier works, a summary reference is made, while some of these develop into elaboration in works by authors of later days.

A special notice may be taken, however, of the **rights to property** and ownership, joint and several. In regard to these, Vijñâneśwara, the author of the Mitâkṣharâ has been regarded as the leading authority. He enters into a long discussion about the meaning of certain terms which may be characterised as having a technical significance. These are **Dâya** and **Svatva.** The first, i. e. **Dâya**, has been defined by him as 'that property which becomes the property of another solely by reason of its relation to the owner'. [1] This definition necessarily leads to the further inquiry as to who may be regarded as an owner and what are the **tests of ownership**–(**Svatva**). It is the interpretation of these terms namely **Dâya** and **Svatva**, which has lead to the parting of ways between the two great schools of Dharma-śâstra in India, namely, the Mitâkṣharâ School and the Dâyabhâga School.

The Dâya has further been sub-divided by Vijñâneśwara into two kinds, namely, **Sapratibandha** (obstructible), and **Apratibandha** (unobstructible) ; corresponding very nearly to the two terms in the Western Law, namely **vested** and **contingent**, as will be seen from the clarification of these terms by the author himself, namely the rights which are indefeasible and therefore heritable or transferable are Apratibandha Dâya or are vested ; others are Sapratibandha Dâya.

Then the author of the Mitâkṣharâ also discusses the **origin of ownership** namely **Svatva** whether that originated as the result of **Śâstra** or on any other account. According to him, and the followers of his school, the origin of ownership or Svatva is not in the S'âstras but by other causes, while Dâyabhâga and others show that the ownership originates in the dictates of

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[1] दाय & स्वत्व. See Mitâkṣharâ Text p. 73. Tr. pp. 979–984.
दायशब्देन यद्धनं स्वामिसंबंधादेव निमित्तादन्यस्य स्वं भवति.

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S'âstra. The result of it is that according to the Mitâkṣharâ School, the sons have an equal birthright in the ancestral property and that partition was on the basis of an existing right. This subject of Dâyavibhâga is further discussed under the two heads of Partition and Inheritance which need not be elaborated here except by a brief summary as follows :—

The law of inheritance to property both by male and female, and the rules of exclusion of inheritance are generally well known, and therefore need not be elaborated here, excepting the general remark that the rules of inheritance are applicable only to the property which is of the exclusive individual ownership of the person whether male or female. They have no application where the property is held in common.

Details of the other topics need not be given, as all of them have been superseded by specific legislative enactments. Those who are interested may refer to the originals or any translations published in these Series. [1]

Yâjñavalkya divides the subject of *partition* into the following heads :—viz. (1) *at what* time, (2) *by whom* and (3) in what manner, partition could be made ?

As regards the time, the authorities are unanimous and state that the proper time for partition by the father is when the father has become averse to worldly pleasures, and the mother is past child-bearing. Alternatively, it is at the option of the father during his lifetime. Under the old law, an option was given to the father to make partition of the ancestral property, and if he exercised the option, he was required to divide the property into equal shares giving an appreciated portion to the eldest son. Some authorities reserve to the father a double share. But according to Yâjñavalkya when an uneven partition is made, this option is given to the father.

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[1] See Yâjñavalkya with Mitâkṣharâ etc. and Smṛtichandrikâ Volumes III, XI, XXVII, XXIX, XXX, and XXXI of the Collection of Hindu Law Texts and for the originals, Volumes I, III, V, VI, VIII, IX, XIII, XIV, XXV and XVI and others.

[1] When partition is made in equal shares, Yâjñavalkya states that "the wives also should be made partakers of an equal share". The celebrated commentator Viśvarûpa in his comments on this verse has interpreted the word पत्न्यः (wives) as indicative not only of the father's wives, but also of the wives of the sons, and grandsons, so that the right of representation which was given to the male descendants alone, was extended by this writer to their wives also [2]. Another rule as regards uneven partition has been stated, viz. that "when any member did not desire to have a share, some small [3] portion may be given to him, and thus the partition may be made complete". The general rule rounding all this was that a partition made by the father, whether equal or unequal, if made in conformity with the rules of law was always binding.

Next as regards partition after the father's death; that was a simple matter. After the father's death, when the sons came to a partition, they have to make equal shares and distribute these amongst themselves, and in such a case the mother also is to get a share. As regards the expression 'mother' there is a body of opinion according to which the word 'mother' also includes the 'step-mother' and the 'grand-mother'. When the sons make a partition after the father's death, if there are sisters who are unmarried, then the rule is that 'these should also be given a share equal to a quarter of what they would have got if they had been males'. The author of the Mitâkṣharâ makes this further clear by a detailed illustration, the net result of which is that a sister would not get one-fourth of the brother, but a fourth part of what she would have got if she had been entitled to a share as a brother, so that, as the author puts it, when there are two brothers and one sister, the whole property shall be divided into 12 shares, four each of which would go to the two sons, and of the one-fourth part of the third block of four shares i. e. one-twelfth would go to the sister, the balance of the three parts of this block going by a revertor to the two brothers.[4]

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[1] Vyavahâra यदि कुर्यात् समानंशान् पत्न्यः कार्याः समांशिकाः । II. 115.

[2] See Viśvarûpa p. 242. ll. 10–12.

[3] See Yâj. किंचिद्दत्वा पृथक् क्रिया । II. 116 (1).

[4] भगिन्यश्च निजादंशाद्दत्वांऽश । तु तुरीयकम् । II. 124. See Mit. Sambitâ. p. 84. ll. 5–15, Tr. p. 1029–30. Colebrooke I. VII. 7–2.

A special rule has been stated in regard to the mother's estate. After the payment of her death debts, it should devolve upon the daughters and their daughters ; in their absence, the sons and the rest may take it.

As has been stated in the preliminary remarks, Dharma i. e. law is impotent or powerless, without Śâstra or Sanction. Therefore, a brief survey of the Law of Penalties and Fines may be taken.

Fines and Penalties

The **Mahâbhârata**, in Chapter 121 of the **Śânti Parva** deals exclusively with the subject of **Daṇḍa.** King **Yudhiṣṭhira makes a request** to his senior ancestor **Bhîṣhma** to **expound** to him this subject: **What is Daṇḍa** ? What is its **nature and form** ? Of what is its **origin**, and what are its **features** ?

The **penalties** under the Smṛtis take **several forms** according to the circumstances under which they are imposed. **Infringements** of rules are looked at from their repercussions upon society, and also from the point of view of their effect personally upon the offender. The *first* makes him liable for a *penalty* at law, in the exercise of the *secular*, and the second for an *expiation for a purification in the exercise* of the religious or ecclesiastical jurisdiction e. g. an act of **violence**, or **seduction** may become an offence under **Vyavahâra** law, and as such liable to a penalty under it, at the **same time**, it may amount to a **sin amenable** to a penance or **Prâyaśchitta.** And generally, the punishments for a particular act or omission are determined by these considerations.

The philosophy of Daṇḍa of the Indo-Aryans has a scientific basis and calls for a careful study. According to the well-known **śruti text,** दंडो दमनात् ' the Daṇḍa is that which chastens ', whatever is sufficient to chasten the person or the offending agent calling for outside interference, and to whatever extent it is required by the circumstances of the case, is **Daṇḍa.** Therefore the **primary function** of **Daṇḍa is not so much punitive,** as **preventive.** This doctrine has been further elaborated by Manu in Chapter VII from Verse 16 onwards and more particularly from Verse 23.

अनुबंधं परिज्ञाय देशकालौ च तत्त्वतः । सारापराधौ चालोक्य दण्डं दण्ड्येषु पातयेत् ॥
८-१२६.

In the Âchârâdhyâya Verse 367 Yâjñavalkya has exhibited four **classes of punishments** viz. **Dhigdaṇḍa, Vâgdaṇḍa, Dhanadaṇḍa and Vadhadaṇḍa.** Their administration is stated in verse 368.

A Secular Jurisdiction

To the **four classes** specified above, **may be added** one more and which is **also called Daṇḍa** but not in the sense and with the object which are the basis of these four divisions. These are the **daṇḍas** mentioned **in connection with** the *infringement* of certain **civil rights** either by omission or commission, and which are imposed **by way of compensation or damages**; thus in the **Vyavahârâdhyâya** penalties have been directed for the following acts :—

(1) A **bailee using** the subject-matter of bailment.

(2) For **false witnesses** (Verse 67).

(3) For persons guilty of **breaking open the boundary** limits as also preventing the construction of Dams.

(4) Fines directed to be recovered from the **owners of cattle** trespassing into fields and doing damage.

(5) In the case of **Sales without Ownership**, the persons who are not able to prove the real owner.

(6) Also in the case of **Breach of Contract of Partnership** (See Verses 137 and 190).

Such and other matters where a fine or compensation has been prescribed are **in the nature of damages** for the injury done to the complainant. In secular matters, apart from the civil side, the fourfold punishment inidcated above both in the Texts of Yâjñavalkya and Manu are in connection with what in modern Law, are characterised as either **Torts, or Offences (crimes)**.

In the Smṛtis, besides these kinds of punishments, there is **another variety of punishment** in addition to the Daṇḍas specified above, and that is the **Expiations or Prâyaśchittas,** in the exercise of religious or ecclesiastical jurisdiction. It is proposed, therefore, to give a short summary of the whole law bearing on the several offences indicated above.

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It is the duty of the king to punish the guilty, to protect, and not to molest, the innocent. [1]

The amount of damages by way of compensation prescribed for acts in cases of infringement of civil rights are summarised above, and have been duly noticed in connection with those rights under the various heads.

The Daṇḍas and their administration have been directed to be in the order of their enumeration. First is the **Dhigdaṇḍa** viz. remonstrance, the second is the **Vâgdaṇḍa,** (injunction), the third is the **Dhanadaṇḍa** (fine in money) and the last is **Vadhadaṇḍa** (corporal punishment).

The principal kinds of offences for which these Daṇḍas are prescribed are the following :

Offences which **cause mental**[a] **injury**, such as libel and slander, offences **affecting the safety of the**[b] **body**, and of property such as **Assault, man-slaughter** and other crimes ; Offences **against**[c] **morals** such as **adultery**, **seduction** of women, **gambling** and **betting,** and others.

The term **Sâhasa** is used to indicate an **offence accompanied with violence.** This term Sâhasa has been used not only in connection with the offence itself, but in connection with the determination of the sentence for the offence. **Sâhasa** has been defined by *Nârada* as an '**act involving force.**' [2]

(a) Mind (b) Body (c) Morals.

The Sâhasa have been classified as (1) Prathama Sâhasa, (2) Madhyama Sâhasa, and (3) Uttama Sâhasa, by regard to the corresponding punishments to be administered for the offence of these grades.

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[1] अदण्डयान् दण्डयन् राजा दण्ड्यांश्चैवाप्यदण्डयन् । अयशो महदाप्नोति. मनु : ८-१२८.

[2] सहसा क्रियते कर्म यत्किंचिद्बलदर्पिते । तत्साहसमिति प्रोक्तं सहो बलमिहोच्यते ॥

Abetment

Not only the person who is primarily responsible for the act is directly amenable to punishment, **but** those **also** who are the **accessories** to the offence, or who **brought about** its **commission**, or **gave help** in the successful completion of the offence. In other words, those who are ' accessories before ' or ' after the fact, ' are also amenable to the punishment of an enhanced character.

Higher punishments are also prescribed **for offences of an aggravated character.**

In connection with the topic of Sâhasa, *other acts equally punishable* have been stated from verse 238 to 253, viz.

(1) for **a washerman using the clothes** given over to him for washing.

(2) for a **bailee misappropriating the subject** of the bailment.

Special rules have been laid down *in regard to* traders.

(1) The **sales and purchases** should **be made** at **prices fixed** by the king ; the profit thus earned would be regarded as his legal earning.

(2) **Tradesmen combining** and raising or lowering the prices of commodities **to the prejudice of the workmen** will be liable to the highest amercement. **So** will they be liable for **obstructing a sale** for **the scheduled price.**

(3) **Witnesses in disputes between father and son.**

(4) Utterers of **false coins** and makers of false measures, as also those dealing with these.

(5) Persons **admitted as competent** to certify the genuineness of an article, **giving a deliberately false opinion.**

(6) **A Surgeon abusing his position** of trust.

(7) One who **puts under restraint** persons **who do not deserve** to be restrained, as **also** one who **lets off the guilty.**

(8) **Exhibiting adulterated** articles in market overt **as unadulterated ones,** and such other offences as have been detailed from Verses 245 to 253.

(9) For **selling sealed deposits** (247-248).

With these general statements, the **first category of Sâhasa** may be noted.

Libel and Slander: both are defamations, the one consists of an act in writing and the other by words. These are detailed in the Chapter headed as Vâkpârushya. [1]

" Offensive statements couched in foul and violent language in regard to the country, caste, family and the like of another is called slander or defamation by word ".

This **abuse is of three kinds** viz. **Nishṭhura** (harsh), **Aśiila** (vulgar), and **Tivra** (virulent). The penalties are determined by the relative position of the offender and the person offended against. (See Verses 204 to 207).

Further punishments for Nishṭhura, Aśiila and Tîvra are prescribed in Verses 208 to 211.

[2] **Daṇḍapârushya** is **Assault**.

Special rules have been prescribed for **offences** committed **by persons** of the **lower order against** those of the **higher order and** in connection with **objects of general utility**. Thus **injuries to trees**, which are of public use, or injuries **to creepers**, and to **beasts**. **When** as a result of an assault or hurt, **blood comes** out **or** other **permanent bodily injuries** are the result, the punishments are laid down in Verses 213 to 214.

For **simple hurt** without causing blood, a milder punishment has been prescribed (See Verse 218).

For injury to the hands, feet etc., a more enhanced punishment has been laid down. (Verses 219-220).

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[1] वाक्पारुष्य.

[2] दण्डपारुष्य.

Theft and Robbery.

These two terms involve the same idea as they carry under the Roman Law or even under the Modern Law. **An act** committed **with violence and in the open** is called **Sâhasa** which here may be called **robbery** ; but one which is **committed secretly,** and denied upon inquiry is called **theft.** As is the case in Roman Law, so also here, the scope of the offence of theft is enlarged to include the offences of misappropriation and cheating also. In connection with the offences of theft, a **special responsibility** has been laid upon the residents of a place, and it is worth a special notice. It is this :

In whichever town a theft or a murder may have taken place, the inhabitants are responsible for finding out the delinquent, if his exit from the village has not been duly traced. If, however, his exit is traced outside the village and into another place, then the inhabitants are absolved, and the responsibility is shifted on to the town into which the steps have been traced. If, however, the footsteps cannot be traced on account of being trampled over, then a group of 5 or 10 villages together are jointly responsible to make up the loss to the owner.

Detention of Women.

(Strîsaṅgrahaṇam)

Chapter XXIV treats of offences relating to Women. As is the case with offences which generally are perpetrated in places removed from public gaze, **this offence is generally traced more by inference than by direct evidence,** and the **bases for these inferences** have been given in verses 283-284. **In this offence, also,** there is **a gradation of simple** and **aggravated forms** of offences **by regard** to the **status** of the **women** and the **offender,** and the **nature** of the offence. Offences **against Maidens** are specially provided for as also offences **against Avaruddhâ women and Dâsis.** In the case of **Veśyas,** special rules have been laid down in verses 292 and 293.

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The last viz. the **Prakîrṇa–Prakaraṇam** *Miscellaneous Chapter* treats of all the offences which are under the **exclusive jurisdiction ot the King**, viz.

(1) One who **tampers** with a **public document.**

(2) One who **lets off** an **adulterer** as a **thief.**

(3) One who **accuses a twice-born** man with having eaten the **uneatable.**

(4) A **goldsmith dealing in mixed** gold.

(5) One **selling out spoiled** meat.

In regard to **drivers of conveyances,** the higher or lower punishments are determined by the capacity of the offender and the caution taken by him.

The offence of **treason against the king** or sedition, has been very severely punished.

Applications for **Review** or **Revision** were under the special jurisdiction of the king, and a heavy responsibility lay upon those who resorted to that course. The **members of the court also were** held responsible **for a perverse decision**.

Book III opens with the subject of **impurity of death** and birth. These have been summarised.

Rules in cases of Adversity[1]: To the rules severally laid down regarding the occupation to be normally followed by the several varṇas, exceptions have been stated relaxing the rigidity of these rules. Thus in adverse times, a Brâḥmaṇa may earn a livelihood by following the profession of arms, or even by following the vocations of a Vaiśya. But after getting over the hard times, he must resume his normal life.

Restrictions, however, have been laid down as to the choice of objects when he works as a trader or a grocer. For religious purposes, he may sell sesamum in exchange for corn. But dealings in lac, salt, and meat involve an immediate fall, while that in milk, curds, and liquor reduce him to a S′ûdra. But extreme poverty condones all excesses even in regard to these, and even as to theft. But when asked, he must admit it. Lastly, a duty has been laid upon the king to make provision for the maintenance of those who are accomplsihed in learning and are unable to eke out a livelihood.

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[1] आपद्धर्माः

So far has been examined the exercise of the King's jurisdiction over matters secular. Besides secular jurisdiction, he has also jurisdiction over matters ecclesiastical, religious or moral. This jurisdiction was exercised by the King through the Purohits. The question of the exercise of religious or ecclesiastical jurisdiction arises in cases of Brâḥmaṇas or in the cases of Traivarṇikas affecting religious matters, or in the cases of hermits, Ascetics. etc.

Expiation or Prâyaśchitta—As arising out of the exercise of religious, ecclesiastical, or moral jurisdiction, comes up the subject of expiation or Prâyaśchitta.

The **Pâtakas** may be generally classified as

I Atipâtakas,—most heinous sins, e. g. intercourse with mother, daughter or son-in-law--Punishment, death.

II Mahâpâtakas—(1) Brâḥmicide (2) Surâ-drinking (3) Gold-theft (4) Adultery with preceptor's wife (5) Association with such offender.

III Anupâtakas—sins equal to महापातक such as

(a) Murder of a Brâḥmaṇa, Kṣhatriya, Vaiśya,
(b) false evidence, surâ-drinking, (c) gold-theft,
(d) adultery.

IV Upapâtakas.

V Sins which entail degradation from caste.

ब्रह्महा मद्यपः स्तेनस्तथैव गुरुतल्पगः । एते महापातकिनो यश्च तैः सह संवसेत् । (२२)

VI संकरीकरणानि—which cause injury.

VII अपात्रीकरणानि--sins which render one unfit for an acceptance of a gift.

VIII which entail defilement.

IX Miscellaneous--संकीर्णानि.

Expiation defined :

प्रायो नाम तपः प्रोक्तं चित्तं निश्चय उच्यते । तपोनिश्चयसंयुक्तं प्रायश्चित्तं विदुर्बुधाः ॥

After the preliminary preparations i. e. *Yamas*, *Niyamas* etc.

The prâyaśchittas are classified as usual.

I (a) Sacrificial offerings, (b) Vaiśvânari Ishṭi.

II Recitation of the Veda with a regulated diet.

III Corporal-such as by emaciation (b) eating under restrictions ; the कृच्छ्रs such as the प्राजापत्यकृच्छ्र, चांद्रायण, पराक कृच्छ्र, अतिकृच्छ्र, पादिककृच्छ्र, and कृच्छ्रातिकृच्छ्र.

B--By annihilation such as (1) mutilation, (2) death on a battlefield, or by drinking hot liquor.

IV Giving protection at the risk of one's life.

V By donation दान.

VI Mutilation of the body.

VII Excommunication.

श्राद्धानि—पितृऋण

These are sometimes indicated by technical names.

नित्य, नैमित्तिक i. e. एकोद्दिष्ट, काम्यश्राद्ध, वृद्धि—on auspicious occasions.

सपिंड, पार्वण, गोष्ठी—performed in an assembly for the benefit of the members.

शुद्धिश्राद्ध, कर्मांगश्राद्ध, दैवश्राद्ध—for the Devas.

यात्राश्राद्ध, पुष्टिश्राद्ध—for health and wealth नान्दी.

वानप्रस्थ

After this exhaustive treatment of the first two *Âśramas*, the third and the fourth may be briefly noticed.

Hermit—a Vânaprastha-Yâjn. III 3-45-55.

Ascetic *Yati*—III. IV. 56-205 and the Prâyaśchitta comes to last as the III. V. 206-335.

One who has set out for a forest residence is a वानप्रस्थ. Who can ?

> वानप्रस्थं द्विजातीनां त्रयाणामुपदिश्यते। सर्वेषामेव वर्णानां गार्हस्थ्यं तद्विधीयते ॥
> महाभारत-अश्वमेधपर्व Manu IV. 9.

A celibate who does not wish to enter into the householder's order may immediately resort to this order. Manu VI. 2.

For a householder, the periods prescribed are oldage, aversion to worldly occupations.

One may go alone or accompanied by his wife, or leave her behind to look after the sons and the family.

यति—Ascetic.

Who can be ? Only members of the twice-born classes are eligible for this order; particularly the श्रौतसंन्यास See 22 Mad. 302 §; 40 Mad 846 and 46 All. 666 (and authorities cited there). Kinds of

> ब्रह्मक्षत्रियवैश्यानां **श्रौतसंन्यास** उच्यते। शूद्रस्त्रीसंकराणां च **न्यासमश्रौत**संज्ञितम् ।
> **श्रौताश्रौत**विभेदेन संन्यासं द्विविधं स्मृतम् ।
> कन्थाकाषायदण्डैकशिखासूत्रादिसंयुतं श्रौतसंन्यासमित्युक्तं साक्षान्मोक्षैकसाधनम् ॥

Kane p. 946 note 2169 citing श्रीकरभाष्य on II. 4-22 (भावशब्दाद्य)

Further varieties are कुटीचक, बहूदक, हंस and परमहंस; see स्मृतिमुक्ताफलम्.

An ascetic shall have nothing in store. He must be strictly chaste ; he may not change his residence during the rainy season. His sole occupation should be the contemplation of the Supreme Soul. After several migrations of the soul as the result of his actions, good and bad, he reaches immortality. Or even while carrying on as a householder, one may become emancipated from the vortex of births and deaths (संसार).

Conclus .

Thus, it will be seen that there is a close similarity of the undercurrents of the rules of purification (S′uddhi) stated in the Âchârâdhyâya, the Ordeals of the Vyavahârâdhyâya, and the Prâyaśchittas or penances of the Third Book. These are connected by an undercurrent of thought and principles. The common object of these is to keep the man pure in mind, body and speech. The first aims at keeping off the evil, the second at investigating and determining the real facts and any allegation about the same, and the third at purging it out when its existence has been proved. All these three, therefore, fall under the special jurisdiction of the executive which controls the ethics and morals of the society on the Pontifical or Ecclesiastical side of it.

Thus this principle or basic law which has been found hidden to a greater or lesser extent in Ṛta, in Dharma, in Mischpat, in Fas is a priori knowledge, and as such it might be a matter of Epistemology. But it is more than that, for it is not knowledge in the ordinary sense, neither is it an axiom which could be posited. Also, it is not the " consciousness of causality ", it is more than that.

It is *a piori* knowledge, and by its very nature it cannot be defined. According to the psychological make-up of man, he will give it different names :—God – Law – Order – Life – and he will mention many attributes – Love – Justice – Consciousness – Causality. Not more need be written about that, which, if mentally pondered upon, appears the greatest secret in the universe, not possibly to test empirically or to find rationally; and which yet may be perfectly manifest and clear to the man who does not identify himself with his mind (neither with his feelings of approval or disapproval owing to sensations of personal sympathy or antipathy), but knows his mind to be an instrument, and who realizes this indefinable Principle to be of one nature with his very deepest and truest being, and ruling it (for it is One, and ruling all) and as such capable of being grasped and known and manifested; and not science or the conclusions of others can give absolute certainty (this is even "unscientific"), but only personal realization.

To conclude, with a fitting quotation from a great Buddhist: "The essence of all things is one and the same, perfectly calm and tranquil, and shows no signs of 'becoming'. Ignorance, however, is in its blindness and delusion oblivious of Enlightenment, and, on that account, cannot recognize truthfully all those conditions, differences, and activities which characterize the phenomena of the Universe".

From the above enquiry it is clear that *Dharma is the underlying motive principle in the social evolution* of humanity towards the manifestation and demonstration of the Soul, or in other words, of the basic oneness of mankind.

Dharma is realized spontaneously and in a new light by the individual at each step in his evolution, and it points the way to the next step. At each further step it shows itself more divested from personal factors in the sense of separative (egoistic) endeavour, and yet manifests more intimately and actively through personal factors as individual specialization for the common good. In other words, it tends to manifest the mystico-social unity through the individual in his limitations of time and space."

Dharma is seen by men according to the different stages of their development, or to the colour of their character, which is related to the special field they are working in, and the special psychological angle from which they are wont to look at it. The religious man will see Dharma as the divine law of God, the ethical person will see it as the inner principle that affords standards of good and evil, the lawyer will see it as law, as a plan of protection of right and security, the psychologist will stress tradition, common law and the social mind, the idealist will see it as the ideal, the realist as the law behind the existent show of life, the practical mystic will see in it the force impelling to brotherhood, building the community and bringing about harmony in unity.

How does man become aware of Dharma ? To say it again in another way : Not from books of law and ethics, nor from sacred scriptures, nor by means of scientific theories. Nor does the enlightened person act because public opinion or a special group of people expect it from him. But he becomes aware of an urge within himself, and, because it demands satisfaction, he follows, he obeys. The religious man will call it listening to the voice of God and obeying it. The ethical man will call it doing his duty and obeying his conscience. The practical sociologist will call it following his calling. The philosopher will call it doing the logical next step. The mystic will call it obeying the need of his heart. The types, like all psychological types, will of course overlap. To all types of men 'it' speaks in some way or another and for all of them 'it' takes of course the 'right form' for them. They all are right, as they all know. But as a rule few people are aware that the others are also right and Dr. Mees expresses a hope that " the tendency which is so prevalent in Western society of laying down the law for others, judging others according to one's own standard, and of attaching more weight to public opinion than to individual freedom, may gradually be modified and mitigated by greater aptitude of understanding of each other's special work and place in society, as organs with their special functions in the organic whole – as expressed by the theory of Dharma and Varṇa. "

Society has undergone a great change. Acts which had been characterised before as sinful have long been washed off their sinful nature and have been assimilated as matters of ordinary routine. The sale of salt, or of milk, or even trading in intoxicating substances, is done even by Brâḥmaṇas who have fattened on the proceeds thereof, and not a suggestion is made or a voice raised as to their undertaking these occupations. Society has been changing, and with it the ideas also. During the period preceding the British rule, the Ordeal was not an uncommon method resorted to in the course of judicial proceedings, and the ruling authority also used to adjudicate in matters ecclesiastical. But with the advent of rulers belonging to other religious persuasions, a detached mental attitude came to be adopted as a matter of course and policy.

As, however, the fundamental principles are sound and with changing details could be applicable at all times *mutatis mutandis*, society has been able to maintain its moorings, though the outwardly visible garb may have seemingly changed. The Ṛṣhis and Commentators kept up these traditions, and no difficulty was felt as to the alleged rigidity of the rules of Dharma. The rigidity is not of the Dharma ; but is the inevitable outcome of an administration avowedly pledged to detachedness. It is therefore up to every Hindu or one interested in the progressive advance of this most ancient civilisation, to hold periodical introspections, sift the details from the fundamentals, and act boldly in bringing the latter in keeping with facts. It is an accepted rule in the case of a physical body that when a rot has crept into it, a merciless amputation of the gangrened part is the only means to save the body and revivify it, and the same is the case with social organisation.

It is, therefore, the duty of every Hindu to try and maintain the high level of this most ancient survival of the past, and contribute to its revivification by every means available and in conformity with its traditions. The Indo-Aryans are an Ancient Race, and have a continuous past which has always been woven and moulded into new groves according to the ever-changing exigencies and requirements of particular periods. A perusal of the texts should lead to a revival on real fundamental lines of the glorious past, and by that fact alone will the labours of the ancestors have been repaid.

The last of the पुरुषार्थ's is मोक्ष.

A fitting conclusion to the discussion on the main topic of the teachings of Dharmaśâstra can be briefly summarised on the lines set out in ancient texts. A combined study and appreciation of the Upanishad portion of the Vedas, the Bhagwat Gîtâ, the Mahâbhârata and the Bhâgawata and the two Smṛtis of

Manu and Yâjñavalkya will yield the net result of the teaching of the Dharmaśâstra as follows :—

It is centered round the four *Purushârthas* viz. Dharma, Artha, Kâma and Moksha. To put it very briefly it would be thus: “Taking a stand on *Dharma*, as the pedestal, and utilising *Artha* and *Kâma* within proper limits and by proper means, one should aspire to attain *Moksha*.

In particular, a detailed programme or course of conduct can be conveniently gathered from the *Âraṇyaka* portion of the *Taittirîya Saṁhitâ* and especially the four important Upanishads of S'îkshâ, Bhṛgu, Brahmavid and the *Nârâyaṇa* which in serial order analyses the genesis, the origin of the world of all kinds of creation, their growth, the origin of the Varṇas, their primeval forms with their developments and ramifications or perversions into castes, the rules for the conduct of these, then the Four *Âśramas* and a detailed programme for these, until one is carried to the last stage as is evidenced in the following portion : ब्रह्मविदाप्नोति परं.

P. 767 Towards the end of the नारायणोपनिषद् are three अनुवाकs viz. (1) Commencing with सत्यंपरंपरं etc. in this are given eleven principles by सत्य, तप, दम, शम, दान, धर्म, प्रजन, अग्नयः, आग्निहोत्र, यज्ञ and न्यास.

In the next (2) the results of these are indicated, in the form of a legend wherein आरुणि the son of प्रजापति by his wife सुपर्णी, requests his father to say, what has been stated as the (highest) best means for attaining मोक्ष, and the father elaborates the same stating the results, thus सत्येन वायुरावाति सत्येनादित्यो रोचते.

तपसा देवा देवताः स्वर्ग आपन् &c. दमेन दान्ताः किल्विषमवधून्वाणि etc.

शमेन शान्ताः शिवमाचरान्ति &c. दानं यज्ञानां वरूपं दक्षिणा लोके दातारमुपजीवन्ति

धर्मो विश्वस्य जगतः प्रतिष्ठा, प्रजजनं वै प्रतिष्ठा लोके साधु प्रजायास्तंतुं तन्वानिन्

अग्नयो वै त्रयी विद्या etc. अग्निहोत्रं सायंप्रातर्गृहाणां निष्कृतिः ।

यज्ञ इति यज्ञेन दिवं गता । मानसं प्राजापत्यं and न्यासः and the fruit stated thereby.

Then on p. 772. On 775 य एवं वेद ब्रह्मणो महिमानमाप्नोति

(3) In the last has been stated by a metaphor the यज्ञ of one who has reached this stage of perfection तस्यैवं विदुषो यज्ञस्यात्मा । &c. and at the end has been stated the fruit up p. 780.

It should be noted that in this उपनिषद् after describing the infiniteness—in the first 5 verses, ṛks in the 4 is stated तदेव ऋतं तदु सत्यमाह्स्तदुदेव ब्रह्म परमं कवीनाम् । अभस्य पारे भुवनस्य ।।

After a complete knowledge of the Brahma and its attainment, he enters the stage of the *Jñyâni* ·the Sciente. His state also has been visualized in the following texts :

> यतो वाचो निवर्तंते अप्राप्यमनसासह । आनंदं ब्रह्मणो विद्वान्न बिभेति कदाचन ।
> एतं ह वाव न तपाति ॥

and has been summed up in the three long dissertations at the end of the *Nârâyaṇa* Upanishad the last of these is styled विदुषो यज्ञः 'the sacrifice of the knower' commencing with तस्वैवंविदुषो.

The next one examining in order the importance of *satya*, *dharma* etc. in the paragraph beginning 'Satyam Param' सत्यं परंपरं and the whole is illustrated by the legend of the *Prâjâpatya Âruṇi* and the result has been indicated at the end.

For a more popular appreciation it may be summarised in the following texts : अज्ञानहृदय ग्रन्थिनाशो मोक्ष इति स्मृतः ।।.

" The annihilation of the concentrated gnot of the ignorance has been declared to be absolution " etc.

The *Bhagavat Gîtâ* would put it more popularly in the following way : १८–५२–५६.

> विविक्तसेवी लघ्वाशी यतवाक्कायमानसः । ध्यानयोगपरो नित्यं वैराग्यं समुपाश्रितः ॥
> अहंकारं बलं दर्पं कामक्रोधं परिग्रहम् । विमुच्य निर्ममः शान्तो ब्रह्मभूयाय कल्पते ॥
> ब्रह्मभूतः प्रसन्नात्मा न शोचति न कांक्षति । समः सर्वेषु भूतेषु मद्भक्तिं लभते पराम् ॥
> भक्त्या मामभिजानाति यावान्यश्चास्मि तत्त्वतः। ततो मां तत्त्वतो ज्ञात्वा विशते तदनन्तरम्॥
> सर्वकर्माण्यपि सदा कुर्वाणो मद्व्यपाश्रयः। मत्प्रसादादवाप्नोति शाश्वतं पदमव्ययम् ॥ ५६

Our Cultural Unity

Nations are not made chiefly by traders and Politicians. They are made by artists and thinkers, saints and philosophers. National unity and progress require a deeper foundation than political and economic arrangements. It is the life of spirit that has shaped and unified our collective existence and has been the seal bond of oneness among the Indian people. After centuries of stress and conflict, India has gradually evolved a common civilization, a collective consciousness which embraces wide varieties of temperament, tradition, ways of thought and belief. Our people belong to different provinces, speak their own languages, preserve their own habits and customs. There are sharp differences of temper, tradition and dialect. Despite all these, there is a fundamental unity which binds the people together as members of one society with the same cultural loyalties.

Indian culture is like a palimpsest in which new characters do not entirely efface the old. In a single social pattern fragments of different ages · are brought together. It would be impossible to think of an India where no Moghuls ruled, where no Taj was built, where no Macaulay wrote his Minute on education. Indian culture is like a living organism growing in richness and content. Primitive cultures are marked by extreme conservatism where social groups follow the same path of custom and convention with irrational persistence. Living cultures are dynamic and maintain their cultural pattern by a continuous effort of individual and social discipline.

Cultural unity, assimilation and elasticity in cultural adjustment, the hereditary genius of the indo-Aryans have enabled them to withstand and buffet the attacks from outside. Millions of hoards of outsiders have entered India for ages, but not a sign of these is traceable as distinct cultures. These have been completely absorbed in the Varṇas and Âśramas.

Uninterrupted Continuity of Indian Culture

In this connection may be noted the following extract from the University Education Commission's Report (1949) p. 57-58 : " From the prehistoric civilization of the Indus Valley brought to light by the excavations at Harappa and Mohenjo-daro to our own time, it is a span in all probability of nearly five to six thousand years. Sir John Marshall tells us that these excavations provide us with evidence of the presence in India of a highly developed culture that " must have had a long antecedent history on the soil of India, taking us back to an age that can only be dimly surmised ". Professor Chide writes: " India confronts Egypt and Babylonia by the third millenium, with a thoroughly individual and independent civilisation of her own, technically the peer of the rest. And plainly it is deeply rooted in the Indian Soil ". He continues : " It has endured, it is already specifically Indian, and forms the basis of modern Indian culture ".

The Vedic Period—The Vedic period on a most cautious estimate covers the stretch between 1500 to 600 B. C. The Ṛg-Veda is older than Homer or the Old Testament. The concluding parts of the Veda, the Upaniṣads which are the sources of the Vedânta, antedate the Orphic and the Eleusinian mysteries, Pythagoras and Plato. The first connections of things are understood by the seers of the ṚgVeda. They believe in a truth, a law which governs our existence, which sustains the different levels of our being, an infinite reality, *ekam sat*, of which all the different deities are but forms.

In Mittani (Asia Minor) we have cuneiform inscriptions (fourteenth century B. C.) mentioning the Vedic deities Indra, Mitra, Varuṇa and Aśvins. Xerxes is reported to have destroyed a temple at Media where people adored gods with Vedic names like Indra and S'arva. The kinship of the Vedic and the Avestan beliefs is now accepted, and the Iranians and Indians had lived together or in close proximity from remote antiquity. The truths suggested in the Vedas are developed in the Upaniṣads.

They are the source of the various philosophies and religions which have developed in India. Their influence can be traced in the thought of Pythagoras and Plato. In the Upaniṣads we find formulated the distinction between Absolute spirit and personal God, between the ultimate truth of the eternal and the relative truth of mortal existence. They trace the lines of the inward growth of man from the physical to the spiritual mode of existence. They give us techniques for spiritual realisation which are flexible and continuous and discourage claims for the monopoly of truth. On the principle of live and let live, they give full freedom to seekers to get their goal in their own ways.

The sixth century B. C. is a period of great awakening the world over; Confucius in China, Pythagoras in Greece, and the Buddha in India belong to it. The Buddha's doctrine is a restatement of the truths of the Upaniṣads with a new emphasis. Aśoka's missions spread Buddhism in East and West including Syria and Palestine.

The spread of Buddhism in the centuries before the Christian era and in the early centuries of it in the East, in Tibet, Burma, Nepal, Cambodia, Annam, China, Japan, without spilling a drop of blood is well-known. Its appeal to the modern mind is remarkable.

From the third century B. C. there were conquests of culture in the regions of Indo-China and Indonesia and familiar Indian names like Çampa, Ḱambhoja, Amarâvati, names which we find in the Buddhist texts, were given to the places in Indian colonies even as European names like Boston, Cambridge, Berlin are taken over by settlers in America from their European homelands. Brâḥmanical and Buddhist faiths prevailed in this Farther India and came to terms with each others as in India. Harṣa, the last great ruler of Northern India (A. D. 606-647) dedicated temples to S'iva and the Buddha.

About and after the eighth century the teachers of South India, *S'aṁkara*, *Râmânuja*, *Mâdhva*, effected the cultural union between the North and the South, between the Aryan and the Dravidian, and laid the foundations of Indian national unity.

For a consolidated view of the Vedic conception of Humanity, as a part of the Creation in General, its original development and final goal, which is the central theme of the topic of *Dharma S'âstra*, the reader is referred to the following :

I. The *Taittirîya Âraṇyaka*, being No. 36 of the *Ânandâśrama Sanskṛt* Series, and in particular, the *Upanishads* known as *Nârâyaṇa*, *S'ikṣhâ*, *Bhṛgu* and *Braḥmavid*, *Chitti* and *Sahavai*.

II. The *Bhagavadgîtâ*—The ' Song Celestial ' which, true to its characterisation in the *Gîtâ Mâhâtmya*, is the quintescence of Ancient wisdom, being the elixir churned by the Gopâla Nandana from the milk of all the *Upaniṣhads* for the elevation of mankind.

सर्वोपनिषदो गावो दोग्धा गोपालनन्दनः ।...दुग्धं गीतामृतं महत् ॥

With this object :

सर्वेऽपि सुखिनः सन्तु, सर्वे सन्तु निरामयाः ॥

1958
22.10.64
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